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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2007), are available in the listed participating libraries, as selected by the Missouri State Library:

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Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
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Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division
of Personnel
Chapter 3—Personnel Selection, Appointment,
Evaluation and Separation**

PROPOSED AMENDMENT

1 CSR 20-3.070 Separation, Suspension and Demotion. The Personnel Advisory Board is adding subsections (5)(C) through (5)(F) to this rule.

PURPOSE: *This amendment provides direction to the parties involved in non-merit appeals before the board and section 105.055, RSMo appeals before the board.*

(5) Dismissals. An appointing authority may dismiss for cause any employee in his/her division occupying a position subject hereto

when s/he considers the action is required in the interests of efficient administration and that the good of the service will be served.

(C) For non-merit agencies that have elected to follow the provisions for appeals for certain positions provided in section 36.390, RSMo, or have failed to adopt dismissal procedures substantially similar to those provided for merit employees, the following applies:

1. No dismissal of a non-merit employee shall take effect unless, prior to the effective date of the dismissal:

A. The appointing authority gives the employee a written statement setting forth in substance why this dismissal is for the good of the service or not against the good of the service;

B. The appointing authority informs the employee of his/her appeal rights and provides the employee with a copy of the form for appeal to the board prescribed in 1 CSR 20-4.010(3)(A)1.; and

C. The appointing authority files a copy of the statement with the director.

2. This regulation does not require that the appointing authority articulate "cause" or a reason for the employee's dismissal. Further, the terms "cause" and "for the good of the service" are not synonymous.

(D) Any regular non-merit employee who is dismissed from an agency that has elected to follow the provisions for appeals for certain positions provided in section 36.390, RSMo, or has failed to adopt dismissal procedures substantially similar to those provided for merit employees, shall have the right to appeal in writing within thirty (30) days after the effective date of the dismissal. The appeal shall set forth in substance reasons for claiming the dismissal were for political, religious, or racial reasons or not for the good of the service, as provided in section 36.390.9, RSMo.

(E) Any regular non-merit employee whose agency has elected to follow the provisions for appeals for certain positions provided in section 36.390, RSMo, or has failed to adopt dismissal procedures substantially similar to those provided for merit employees, has the burden of proving that his/her dismissal was for political reasons, religious reasons, racial reasons, or not for the good of the service and shall produce his/her evidence first.

(F) Any regular merit or non-merit employee who appeals to the board solely under section 105.055, RSMo has the burden of proof and shall produce his/her evidence first. Any appeal where the regular merit or non-merit employee has filed both under Chapter 36, RSMo and under section 105.055, RSMo where the burden of proof for Chapter 36, RSMo is on the appointing authority and for section 105.055, RSMo is on the appealing employee, the appointing authority shall produce his/her evidence first.

AUTHORITY: *section 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received by the date of the public hearing. A public hearing is scheduled for 1:00 p.m., November 12, 2008*

in Room 510 of the Harry S Truman State Office Building, 301 W. High Street, Jefferson City, Missouri.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division
of Personnel
Chapter 4—Appeals, Investigations, Hearings and
Grievances

PROPOSED AMENDMENT

1 CSR 20-4.010 Appeals. The Personnel Advisory Board is amending section (3) of this rule.

PURPOSE: This amendment provides deadlines for subpoenas requested that will be fair to the parties. It also provides clarity concerning the appointing authority's presence at a hearing.

(3) Appeals Must Be Submitted and Hearings Conducted Following the Procedures and Guides Provided in this Rule.

(A) Appeal submission and preparation for hearing are governed by the following provisions:

1. Appeals shall be written. The appeal may be filed by fax, by mail, or by other delivery to the board's office. The written appeal must provide substantially the following information: appellant's name; appointing authority and agency; the type of disciplinary action appealed; the effective date of the disciplinary action; the appellant's reason for appealing the disciplinary action; the appellant's response to the reasons given by the appointing authority; names of witnesses to be subpoenaed if a hearing is granted; a detailed description of any books, papers, or records to be subpoenaed, along with their location, and a statement of the reasons that the items are needed for the hearing; the name, address, telephone number, and signature of the appellant's attorney, if any; and the appellant's signed acknowledgement and certification of truth for the information supplied in the written appeal;

2. The appellant may file the appeal on the form for appeal prescribed by the board. The information required for completion of that form shall be deemed sufficient to satisfy the requirement for a written appeal. The board will provide to the appellant or to the appointing authority, on request, a copy of the current form for appeal. The appointing authority shall deliver a copy of the form to an employee receiving any appealable disciplinary action. The completed form or other written appeal must be received at the office of the board within thirty (30) days after the effective date of the disciplinary action appealed. A copy of the appellant's contentions set out in the appeal will be furnished to the appointing authority;

3. A party may file a document by—

A. Registered or certified mail. A document filed by registered or certified mail is deemed filed on the date that it is delivered to and received by the board;

B. Electronic facsimile transmission (fax). A document filed by fax is deemed filed at the time the board receives a fax of the complete document, provided that the original of the document is sent to the board and received within ten (10) business days of the fax. If a document arrives by fax after 5:00 p.m. and before 12:00 midnight or on a Saturday, Sunday, or legal holiday, it is filed on the board's next business day, unless the board orders otherwise;

(I) The time controlling when a fax arrives at the board's office is the board's fax machine's journal;

(II) The person fax filing a document bears the risk of loss in transmission, nonreceipt, or illegibility. If the document is not received or is materially illegible, the document is deemed not filed and totally null and void for all purposes;

(III) Any party or attorney who lists a fax number on a letterhead or pleading in the case file or in a telephone or professional directory or otherwise shall be deemed to have consented to receive

service of documents by fax from the board or any other party or attorney; or

C. Any other method. A document filed by any method other than registered mail, certified mail, or fax is deemed filed on the date the board receives the document in its office;

4. A party filing by fax shall—

A. Notify the board in advance, if possible, of its intention to file the document by fax;

B. Fax the document to the board's dedicated fax number;

C. Fax the document, if possible, to all other parties having electronic facsimile equipment. If unable to fax, a party shall notify all other parties of its intention to file the document by fax. The notice need not be in writing. A good faith attempt at compliance with this notice requirement shall satisfy the requirements of this subparagraph. This subparagraph does not apply to fax filing of the original appeal;

D. Send the original signed document to the board;

E. Certify in the documents—

(I) The method of notice used to fulfill the requirements of subparagraph (3)(A)4.C. of this rule; and

(II) Compliance with the requirements of subparagraph (3)(A)4.D. of this rule; and

F. Send a copy of the document to all other parties except when filing the original appeal;

5. Appellants may represent themselves and handle their own cases but shall have the right to be represented by duly licensed attorneys. A party to an appeal cannot be represented by anyone other than a duly licensed attorney except that the appointing authority may appear by an employee in the agency. If either party intends to employ and be represented by an attorney, that party promptly shall notify the Personnel Advisory Board of the name and address of his/her attorney;

6. *If either party to an appeal desires the issuance of a subpoena for any witness or records at any hearing, that party must apply for it sufficiently in advance of the hearing that the subpoena may be delivered to the requesting party by mail or by fax at least one (1) day before the hearing. The requesting party shall provide the name and address of any witness subpoenaed, a detailed description of any records to be subpoenaed and a statement of what is intended to be proved by the records. The Personnel Advisory Board issues the subpoena by request, but the service of the subpoena rests in the hands of the party requesting it. Service of the subpoena is to be effected in accordance with section 536.077, RSMo;] Either party may request a subpoena for a witness at a deposition or the hearing and a subpoena duces tecum (documents) for a deposition (related to the witness being deposed) or subpoena duces tecum for the hearing;*

A. A subpoena duces tecum must be requested sufficiently in advance so that it can be received from the board and served by the requesting party at least thirty (30) days in advance of the deposition or the hearing. Any subpoena duces tecum for the hearing requested and served more than sixty (60) days in advance of the hearing shall be due two (2) weeks prior to the hearing date and may be provided to the requesting party by mail rather than in person;

B. A subpoena for a witness to a deposition with no accompanying subpoena duces tecum must be requested sufficiently in advance and served upon the witness by the requesting party at least seven (7) days in advance of the deposition;

C. A subpoena for a witness to a hearing with no accompanying subpoena duces tecum must be requested sufficiently in advance and served upon the witness by the requesting party at least three (3) days in advance of the hearing.

D. The requesting party shall provide the name and address of any witness subpoenaed. The requesting party shall provide a detailed description of any records to be subpoenaed and a statement of what is intended to be proved by the records.

Service of the subpoena is to be effected in accordance with section 536.077, RSMo.

E. A party may contest a subpoena by filing a Motion To Quash Subpoena and shall set out the reasons why the subpoena should be quashed. If the subpoena that is the subject of the Motion To Quash Subpoena was served seven (7) days or less prior to the hearing, a pre-hearing conference with the hearings officer assigned to the case will be immediately scheduled by the board.

7. Upon the acceptance of an appeal, the appellant and appointing authority or their representatives may meet with the Personnel Advisory Board, at a time and place set by the board for a prehearing conference to determine the facts at issue. At the prehearing conference, both parties may stipulate on mutually agreed matters relevant to the disciplinary action or the appeal may be resolved by agreement of the parties. If, during the prehearing conference, the case is not resolved and the appeal goes forward to a hearing before the Personnel Advisory Board, the board may confine the hearing to the law and facts at issue as stipulated by mutual agreement of the parties to the appeal. All parties are required to provide the board with a current address and telephone number. If the appellant fails to provide the board with a current address and telephone number and cannot be reached to schedule a prehearing conference, or does not participate in the prehearing conference after receiving written notice of the date, time, and location of the prehearing conference, it shall be deemed that the appellant no longer wishes to proceed with the appeal and is withdrawing the appeal;

8. All motions or other pleadings by the parties shall be submitted in writing with a copy served or mailed to the opposing party. Parties to an appeal may amend their pleadings as a matter of course at any time before a responsive pleading is filed and served, or if the pleading is one to which no responsive pleading is required and the action has not been set for hearing, the party may so amend it at any time within thirty (30) days after it is filed. Otherwise, a party may amend a pleading only by leave of the Personnel Advisory Board or by written consent of the adverse party; and leave shall be given freely when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period may be the longer, unless the Personnel Advisory Board otherwise orders; and

9. Service of filings other than the original appeal:

A. Unless otherwise provided by these rules or by other law, any party to a proceeding before the board or any person who seeks to become a party shall serve upon all attorneys of record and unrepresented parties a copy of any document or item the party files;

B. Methods of service.

(1) A person may service a document on an attorney by:

(a) Delivering it to the attorney;

(b) Leaving it at the attorney's office with a secretary, clerk, or attorney associated with or employed by the attorney served;

(c) Mailing it to the attorney's last known address; or

(d) Facsimile transmitting (faxing) it to the attorney's last known fax number;

C. Any document or item filed shall contain or be accompanied by a certification of how and when the filing party has met the provisions of subparagraph (3)(A)9.A. of this rule; and

D. The requirements of this paragraph shall not apply to an original appeal.

(B) Hearings Procedure. The conduct of hearings before the Personnel Advisory Board is subject to the following provisions:

1. Hearings will be held in the Office of the Personnel Advisory Board in Jefferson City, Missouri, unless a different location is specified by action of the board;

2. If no prehearing conference has been held, the board will make a determination of what questions are at issue based upon the notice of the disciplinary action and the appellant's contentions in the

appeal prior to the taking of testimony. The hearing shall be confined to and come within the scope of law and facts that the board has determined to be at issue. The board may exclude evidence which is purely cumulative;

3. The person who imposed the discipline is to attend the hearing. If that person is not the appointing authority, it must be the subordinate to whom authority has been delegated. The person who imposed the discipline does not have to attend the hearing if:

A. The appellant has waived his or her attendance;

B. The parties agree to present his or her testimony by other means such as stipulation, affidavit, or testimony over the telephone or if either party wishes to present the testimony by deposition; or

C. He or she is unable to attend the hearing and the absence of his or her testimony would not unduly prejudice the appellant;

4. If the person who imposed the discipline is unavailable to provide his or her testimony for the hearing and the board determines that not having this testimony unduly prejudices the appellant, then the board may disapprove the appellant's discipline;

5. When the appointing authority is required to appear, he or she is not required to stay for the entire hearing. Rather, the appointing authority must only appear so that the appellant can ask him or her questions;

[5./6.] The person conducting the hearing will read a statement citing the appropriate sections of the merit system law applicable to appeals;

[6./7.] The person conducting the hearing will read the charges of the appointing authority and the contentions of the appellant. By agreement these documents may be inserted in the record without reading before commencing the taking of testimony;

[7./8.] All witnesses will be sworn or affirmed. When possible, witnesses will stand to be sworn or affirmed;

[8./9.] The Personnel Advisory Board, on request of either party or on its own motion, may order that the witnesses be separated so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of other witnesses. When requested by the appellant, only one (1) person in addition to counsel shall remain in the room to represent the appointing authority;

[9./10.] The appointing authority will be required to present his/her case first. Experience has shown this method gives the board a clearer and quicker picture of the issues. This is not a shift of the burden of proof, but is only the burden of going ahead with the proof;

[10./11.] The Personnel Advisory Board may take notice of its rules, the class specifications, official records of the Personnel Division, and the pay plan without the necessity of an offer in evidence;

[11./12.] The Personnel Advisory Board may fix the total time to be allowed for oral argument;

[12./13.] At the hearing, the entire proceedings will be *[tape]* recorded. After the board announces its findings of fact, conclusions of law, and decision and order, or at an earlier time if the board determines that the interest of efficient administration would be served, a copy of the recording~~/,~~ will be made available to either party. The board will not transcribe the *[record from aural]* **recording** to written form. The cost of a transcription will be borne by the requesting party. The transcription may be performed by any commercial business or agency selected by the requesting party. The board will forward directly to the selected business or agency a copy of the *[aural]* recording;

[13./14.] No rehearing, which includes any post-hearing motion other than a Nunc Pro Tunc, Request for Attorney's Fees, or Motion for Back Pay, shall be granted from a final decision of the Personnel Advisory Board. Should such a post-hearing motion be filed, it shall be deemed denied by the board and no ruling from the board is necessary; however, at any time prior to issuance of the decision, the board may require the production of additional documents and records, the presentation of additional testimony after prior notification to both parties, or both;

[14.]15. When the board issues an order dismissing an appeal or its findings of fact, conclusions of law, and decision, that order is a final decision on the merits and may be appealed as provided in Chapter 536, RSMo. A motion for attorney's fees, if any, is due to the board within thirty (30) days of its dismissing an appeal or its findings of fact, conclusions of law, and decision. The filing of a petition for judicial review or the fact that back pay has not been determined does not stay the thirty (30)-day requirement for filing the motion for attorney's fees with the board.

[15.]16. An appeal set for hearing may be continued by the Personnel Advisory Board for cause deemed sufficient or by consent of both parties to the appeal. However, a continuance will not be granted except for compelling cause or to serve the ends of justice. If an appellant requests and is granted a continuance, the Personnel Advisory Board, in its discretion, may deny the appellant any compensation for that portion of time lost by reason of the continuance made at the request if the appellant's appeal is finally sustained. If an appeal scheduled for hearing is not reached, it shall be reset and given precedence over any subsequent appeal;

[16.]17. The finding of the board will be announced in writing subsequent to the hearing. Parties will be notified by letter sent by certified mail. The finding will be made as provided in section 36.390(5), RSMo; and

[17.]18. As appropriate and where no specific rule governs the issue, the Personnel Advisory Board will utilize the rules of the civil procedure for guidance.

AUTHORITY: sections 36.060 and 36.070, RSMo 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the *Code of State Regulations*. Amended: Filed August 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered comments must be received by the date of the public hearing. A public hearing is scheduled for 1:00 P.M., November 12, 2008, in Room 510 of the Harry S Truman State Office Building, 301 W. High Street, Jefferson City, Missouri.

Title 2—DEPARTMENT OF AGRICULTURE

Division 30—Animal Health

Chapter 11—Large Animal Veterinary Student Loan Program

PROPOSED RULE

2 CSR 30-11.010 Large Animal Veterinary Student Loan Program

PURPOSE: This rule establishes the requirements for implementing the large animal veterinary student loan program.

(1) The following definitions shall be used in the interpretation and enforcement of this rule, in addition to those found in section 340.337, RSMo:

(A) Academic year means the period of time beginning with the start of the fall semester to the final day of the spring semester and any subsequent summer sessions;

(B) Advisory panel means individuals appointed by the director of the Missouri Department of Agriculture to advise the department regarding the rules, funding, and guidelines for implementing and administering the large animal student medicine loan;

(C) Application contract means the form provided by the Missouri Department of Agriculture for the purpose of applying for a large animal veterinary student loan;

(D) Area of defined need means a geographic area within Missouri with at least one (1) of the following characteristics and approved by the director or the director's designated agent:

1. Large animal populations/producers sufficient to potentially sustain/employ a large animal veterinarian;
2. Employment opportunity as a large animal veterinarian;
3. Veterinary population in region is diminishing;
4. Economics of area adequate to support veterinarian;
5. Presence of livestock markets; and
6. Requests from individual, groups, organizations, and communities;

(E) Educational loans means the financial assistance provided by the department under the authority of the large animal veterinary student loan program; commercial loans made by banks, credit unions, savings and loan associations, insurance companies, schools, and other financial institutions for veterinary education purposes; or loans made by federal, state, county, or city agencies authorized by law to make loans for veterinary education purposes;

(F) Eligible applicant means a veterinary student in the college or in the final full year as a full-time student in an undergraduate course of study eligible to apply to the college;

(G) Eligible student means a resident who has made application to be a full-time student or currently enrolled in the college;

(H) Loan contract means the form signed by a large animal veterinary student loan applicant and the director of the department or the director's authorized agent in which the applicant agrees to accept responsibility for repayment of educational loans through qualified employment or by cash;

(I) Placement form means the form provided by the department for the purpose of applying for participation in the large animal veterinary student loan program;

(J) Qualified applicant means a student matriculating in the college and in the professional program leading to a doctor of veterinary medicine degree;

(K) Reasonable educational costs means tuition, books, fees, supplies, equipment, and materials required by the college in which the loan program recipient is enrolled to obtain a doctorate of veterinary medicine; and

(L) Reasonable living expenses means the cost of room, board, transportation, and miscellaneous costs based on individual program costs.

(2) Recipients of large animal veterinary student loans shall verify to the department their enrollment, their program eligibility, their academic standing within thirty (30) days following the completion of each semester and summer session, and their expected program completion date.

(A) Applicant is responsible to provide information to the department.

(B) The advisory panel shall determine the consequences of the applicant's failure to comply with the requirement of subsection (2)(A).

(C) Interest on funds loaned by the large animal veterinary student loan program shall accrue at a rate determined by the advisory panel from the issue date of the department check.

(D) If a recipient of financial assistance ceases his/her study prior to the successful completion of the course of instruction required for graduation from the college, repayment of the principal and interest shall begin within ninety (90) days after the date the recipient ceases to be an eligible student, in accordance with the repayment contract. The department shall be notified by the loan recipient within

thirty (30) days of the date the recipient ceases to be an eligible student. Payment shall be completed no more than twelve (12) months from that date.

(3) Section 340.390, RSMo, provides that the department may grant a limited deferral of repayment of the principal and interest to a qualified student attending the college.

(A) The department may grant a limited deferral of the repayment of the principal and interest when the deferral would best serve the interest of the state and the large animal student veterinary loan program.

(B) The status of each deferral may be reviewed as often as necessary by the department, but the department shall review each deferral annually to insure compliance with the intent of the deferral. The length of deferral may not exceed four (4) years.

(C) Interest accrued during a deferral period by a financial assistance recipient shall be forgiven on the same basis as the original loan and interest.

(4) To qualify for a large animal veterinary student loan, the applicant shall have no conflicting service obligation that would prevent the state from benefitting from the applicant's services after graduation, with the exception of service in the National Guard or military reserve.

(5) Application contracts shall be completed, signed by the applicant, and submitted to the department between August 15 and September 15 or at another time directed by the department.

(A) Application contracts shall be accompanied by proof of Missouri residency, such as a copy of the Missouri individual income tax return for the previous year of the applicant or of the applicant's parents or legal guardian if applicant is listed as a legal dependant on the parent's or legal guardian's return.

(B) Applications shall include an essay which describes the applicant's professional ambition and how those professional goals fit with the intent of the large animal veterinary student loan program (eight hundred (800)-word maximum), three (3) reference letters, and complete set of transcripts from any college courses taken.

(C) Loan recipients shall apply annually.

(D) Only application contract forms for the large animal veterinary loan program supplied by the department will be accepted.

(E) Upon approval for funding, the loan contract shall be signed by the department director or the director's authorized agent and shall become the agreement of the applicant to accept responsibility for repayment either by cash or by service in an area of defined need.

(F) A copy of an applicant's financial aid award notice from the college and of the applicant's notice of acceptance by the college shall be on file in the department prior to funding by the large animal veterinary loan program.

(6) Selection criteria for the large animal veterinary student loan program are—

(A) Eligibility of the applicant;

(B) Demonstrated financial need;

(C) Qualification and potential based upon submitted materials;

(D) Willingness to serve in designated area of need; and

(E) Information presented at a personal interview if one is requested of the applicant by the committee.

(7) Subject to availability of federal, state, or community funds for the large animal veterinary student loan program, the department shall enter into a maximum four (4)-year contract with each individual qualifying for repayment of educational loans.

(8) Participants who default on their written loan contracts shall be subject to monetary repayment of the contracted amount and interest. Cash repayment periods may be authorized up to a maximum of twelve (12) consecutive months.

(A) The department may grant a deferral of payment of the loan amount and interest at the discretion of the director on the basis of hardship such as critical illness of participant or an immediate family member, death in the immediate family, or severe handicapping condition of the participant when that hardship has been adequately documented such as statement of the attending physician, death certificate, or Social Security disability determination.

(B) The status of each deferral may be reviewed as often as necessary by the department but shall be reviewed annually to insure compliance with the intent of the deferral.

(C) Once a loan participant has begun qualified employment, repayment of the loan shall continue, even if the designation of the area of defined need of qualified employment changes, as long as the loan participant does not terminate employment.

(D) If circumstances beyond the control of a loan participant result in the termination of qualified employment, deferral status may be granted for a period up to ninety (90) days to allow the participant to gain employment in an area of defined need, upon approval by the director or the director's designated agent.

(E) Upon authorization of the director or authorized agent, forgiveness of interest and principal for a financial assistance recipient engaged in qualified employment on a less than full-time basis may be granted on a prorated basis.

(9) A graduate of the student loan program must—

(A) Complete the Large Animal Veterinary Student Loan Program Placement Form prior to May 1 of the current year; and

(B) Notify the department of any change of address or employment within thirty (30) days.

(10) Members of the advisory panel shall serve for three (3) years from the date of appointment by the director and may be reappointed for consecutive three (3)-year terms. Resignations from the panel may be accepted by the director at any time. Appointments to fill vacated panel positions shall be for three (3) years. Nonattendance by a panel member at two (2) consecutive scheduled panel meetings shall constitute a resignation from the panel unless a written explanation of the absences with a written request to continue service on the panel is received by the director within thirty (30) days after the second absence of a panel member from a scheduled panel meeting. Nonattendance at more than four (4) scheduled panel meetings in any two (2) consecutive years may constitute, at the discretion of the director, a resignation from the panel.

AUTHORITY: sections 340.335–340.405, RSMo Supp. 2007. Emergency rule filed July 14, 2008, effective July 24, 2008, expires Feb. 26, 2009. Original rule filed Aug. 15, 2008.

PUBLIC COST: This proposed rule will result in an aggregate public cost of \$2,130,010.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Agriculture, Taylor H. Woods, D.V.M., Acting State Veterinarian, PO Box 630, Jefferson City, MO 65102, by facsimile at (573) 751-6919, or via email at Taylor.Woods@mda.mo.gov. Comments must be received within thirty (30) days after the publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Agriculture
Division Title: Animal Health
Chapter Title: Veterinarians**

Rule Number and Name:	2 CSR 30-11.010 Large Animal Veterinary Student Loan Program
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Agriculture (MDA)	\$2,130,010 over five (5) years

III. WORKSHEET

\$138,002 and 0.25 FTE in the first year and \$498,002 and 0.25 FTE for the succeeding four (4) years for a fiscal and administrative manager, related expenses, and student loan funding for six large animal veterinary students in order to ensure implementation, compliance, and consistency with sections 340.375 to 340.396 RSMo.

Year 1

\$120,000 (\$20,000 student loan * 6 students)
\$ 18,002 (administration costs)

\$138,002 Year 1 Costs

Years 2-5

\$480,000 (\$80,000 student loan * 6 students)
\$ 18,002 (administration costs)

\$498,002 Years 2 - 5 Costs

Total Cost = 138,002 + 4(498,002) = \$2,130,010

IV. ASSUMPTIONS

1). MDA is required to implement and administer the Large Animal Veterinary Student Loan Program established under sections 340.375 to 340.396 RSMo. These sections require the department work with an Advisory Panel to coordinate the development of regulations and standards that guide the program, develop and administer contract agreements with the holder of loans, and monitor loan payments, repayments, and any breeches of contract that may occur.

2). The legislature appropriated \$138,002 to initiate this program in Fiscal Year 2009. However, the legislation allows for up to \$480,000 in veterinary student loans to be awarded each fiscal year. Therefore, this fiscal note assumes that the full \$480,000 will be appropriated for student loans in each of the succeeding four (4) fiscal years until the statute expires on June 30, 2013.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

PROPOSED AMENDMENT

8 CSR 10-3.010 Registration and Claims in General. The division is deleting section (7) and renumbering the remaining sections.

PURPOSE: This amendment revises the time limit for filing claims and implements section 288.040, RSMo, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bill 2041.

[(7)] In order to claim waiting week credit or benefits for a week the claimant must file an otherwise valid claim within twenty-eight (28) calendar days after the end of the week being claimed. The twenty-eight (28) calendar day period may be extended for good cause. If good cause is not found, the claimant's claim for that week shall not constitute a valid claim for benefits under section 288.040, RSMo.]

[(8)](7) If, during a benefit year, a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, renewed, or reopened claim was filed), the claimant must file a renewed claim if the claimant has had intervening employment or a reopened claim if the claimant has not. The twenty-eight (28) calendar-day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

[(9)](8) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.040 shall use the same type of weekly period for further claims in the same series.

[(10)](9) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

[(11)](10) A claimant must report to an employment office as defined under section 288.030(16), RSMo, unless the claimant is ill or employed, or for good cause shown.

[(12)](11) A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

[(13)](12) For the purpose of 8 CSR 10-3, good cause shall be only those circumstances which are beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

AUTHORITY: section[s] 288.040, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bill 2041 and sections 288.070 and 288.220.5, RSMo 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Spencer Clark, Acting Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and
Overtime Rules**

PROPOSED RESCISSION

8 CSR 30-4.010 Definitions. This rule set forth certain definitions of terms used in this chapter.

PURPOSE: This rule is being rescinded and being replaced with a new proposed rule regarding applicability and definitions.

AUTHORITY: sections 290.512, 290.515, and 290.517, RSMo 2000. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded: Filed Aug. 15, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED RULE

8 CSR 30-4.010 Applicability and Definitions

PURPOSE: This rule sets forth the applicability of the Missouri Minimum Wage Law and certain definitions of terms used in this chapter.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability—Except as provided in sections 290.500 to 290.530, RSMo, and any rules promulgated thereunder, the department, in interpreting and enforcing the Missouri Minimum Wage Law, will follow the written regulations established by the United States Department of Labor pertaining to the Fair Labor Standards Act, which are incorporated by reference. This rule incorporates the regulations published in the Federal Register, 29 CFR Chapter V, as last amended on December 16, 2004, and does not include any subsequent amendments or additions. A copy of the regulations is available at the United States Department of Labor, Frances Perkins Building, 200 Constitution Ave. NW, Washington, DC 20210, or at the Division of Labor Standards, 3315 W. Truman Blvd., Jefferson City, MO 65109.

(2) As used in 8 CSR 30-4.010–8 CSR 30-4.060, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Complainant—an individual filing an administrative complaint with the director under the Missouri Minimum Wage Law; and

(B) Tipped employee—any employee who regularly and customarily receives and retains compensation in the form of gratuities in addition to wages.

AUTHORITY: sections 290.512, 290.515, and 290.517, RSMo Supp. 2007 and section 290.523, RSMo, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bills 1883 and 2041. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded and readopted: Filed Aug. 15, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED RESCISSION

8 CSR 30-4.020 Minimum and Subminimum Wage Rates. This rule established the minimum wage rates to be paid to certain qualifying employees and described generally the allowance of gratuities as a credit toward payment of the minimum wage.

PURPOSE: This rule is being rescinded and being replaced with a new proposed rule regarding minimum wage rates.

AUTHORITY: sections 290.512, 290.515, and 290.517, RSMo 2000. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded: Filed Aug. 15, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED RULE

8 CSR 30-4.020 Minimum Wage Rates

PURPOSE: This rule describes the minimum wage rates to be paid to certain qualifying employees, describes generally the allowance of gratuities as a credit toward payment of the minimum wage, and describes how a workweek is calculated.

(1) Tipped employees shall receive at least the applicable minimum wages as set forth in this rule, except that the employer may claim gratuities as a credit toward the payment of the required minimum wage. The maximum amount of gratuities that the employer can claim as a credit is fifty percent (50%) of the applicable minimum wage rate. In no event shall the amount of wages and gratuities equal less than the applicable minimum wage, with the difference between the gratuities and the minimum wage being paid by the employer.

(2) Subject to the requirements of sections 290.500 to 290.530, RSMo, at least the minimum wage shall be paid for all hours worked, regardless of the frequency of payment and regardless of whether the wage is paid on an hourly, salaried, commissioned, or any other basis. If, in any workweek, the total wages earned by an employee is less than the applicable minimum wage rate for the total hours worked, the employer shall pay the difference between the total wages earned and the amount required to equal the minimum wage for the total hours worked in the workweek as required under the minimum wage law.

(3) The workweek is the seven (7)-day period that is the basis for determining an employee's hourly earnings. Once established, an employer shall not change or manipulate an employee's workweek to evade the requirements of the Missouri Minimum Wage Law.

(4) Hourly wages, tips, gratuities, and commissions shall be counted in the workweek in which the hourly wage, tip, gratuity, or commission is earned to determine if an employee earned at least the minimum wage rate.

AUTHORITY: sections 290.512 and 290.515, RSMo Supp. 2007 and section 290.523, RSMo, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bills 1883 and 2041. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 8, 2003, effective April 30, 2004. Rescinded and readopted: Filed Aug. 15, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED RESCISSION

8 CSR 30-4.030 Training Wage for Learners and Apprentices. This rule provided for the establishment of a training wage for learners and apprentices.

PURPOSE: *This rule is being rescinded and the procedure for requesting a public hearing and the subsequent establishment of a learner and apprentice training wage is being provided in proposed rule 8 CSR 30-4.060.*

AUTHORITY: *sections 290.512, 290.515, and 290.517, RSMo Supp. 1994. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed March 27, 2000, effective Oct. 30, 2000. Rescinded: Filed Aug. 15, 2008.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED AMENDMENT

8 CSR 30-4.040 Subminimum Wage Rates for the Physically or Mentally Impaired. The division is amending sections (1) and (2).

PURPOSE: *This amendment implements the Missouri Minimum Wage Law as revised in Proposition B, November 7, 2006, and effective January 1, 2007, and as in accordance with section 290.515, RSMo.*

(1) *[The director is empowered, after a public hearing, to provide by rule for the employment in any occupation of individuals whose earning capacity is impaired by a physical or mental disability.]* The director may provide for employment at a subminimum wage rate *[that]* if it is deemed necessary to prevent curtailment of opportunities for employment of the physically or mentally impaired.

(2) A public hearing for the purpose of establishing a subminimum wage rate for any occupation may be held by the director on his/her own motion, or at the request of an interested *[employer, employee, employer or employee association, service organization, public agency or other interested business or service group] person.*

AUTHORITY: *section[s] 290.512, 290.515, and 290.517, RSMo Supp. [1990] 2007 and section 290.523, RSMo, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bills 1883 and 2041. Original rule filed July 22, 1992, effective Feb. 26, 1993. Amended: Filed Aug. 15, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 4—Minimum Wage and Overtime Rules**

PROPOSED RULE

8 CSR 30-4.060 Administrative Complaints; Notices Issued by the Director

PURPOSE: *This rule establishes requirements for the filing of administrative minimum wage complaints.*

(1) An individual who believes that he or she has not been paid the required minimum wage may file a complaint on a form prescribed by the department. The department will not accept anonymous or third-party complaints. A complaint form can be obtained by accessing the department's website at www.dolir.mo.gov or by contacting the Division of Labor Standards by phone at (573) 751-3403.

(2) The department shall have authority to investigate and ascertain the wages of persons employed in any occupation included within the meaning of sections 290.500 to 290.530, RSMo. Employees that are not covered and not required to be paid the minimum wage rate are listed in section 290.500(3), RSMo.

(3) A complainant shall provide and keep the department advised of the complainant's current mailing address and telephone number.

(4) An employer under investigation shall provide the department with a copy of the first page of its most recent income and sales tax returns to determine the applicability of the minimum wage law. The employer shall also keep the department advised of the employer's current mailing address and telephone number.

(5) Upon completion of the department's investigation, the parties shall be notified of the department's findings.

(6) Any employer wishing to establish a training rate for learners and apprentices as permitted by section 290.517, RSMo, shall provide a written request to the director stating the classification of workers it desires to be designated as learners or apprentices. Upon such notice and in the discretion of the director, a hearing will be held consistent with section 290.517, RSMo.

AUTHORITY: section 290.517, RSMo Supp. 2007 and section 290.523, RSMo, as truly agreed and finally passed during the 2nd Regular Session of the 94th General Assembly and signed by the governor in House Bills 1883 and 2041. Original rule filed Aug. 15, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Labor Standards, Attn: Paul Buckley, Director, PO Box 449, Jefferson City, MO 65102-0449. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 3—Self-Insurance**

PROPOSED AMENDMENT

8 CSR 50-3.010 Rules Governing Self-Insurance. The division amends sections (1), (2), (3), and (5) through (8).

PURPOSE: In order to conform with statutory changes to sections 287.280.2 and 287.280.3, RSMo, and to further insure solvency of self-insured trusts, this amendment defines additional terms, provides the self-insured employee and group/trust an additional method of posting security with the Division of Workers' Compensation in the form of an irrevocable letter of credit, and clarifies deficit and surplus requirements.

(1) Definitions.

(A) For the purposes of this rule, the following terms shall mean:

1. Association—An organization of persons, businesses, firms, or corporations joined together for a certain or common purpose;
2. Estimated annual premium—The premium collected from a trust member that is computed by applying the appropriate payroll code classification rates to the trust member's annual payroll and multiplying the results by the experience modification factors of the trust member as developed by the advisory organization approved by the Department of Insurance, **Financial Institutions and Professional Registration** and including any other discounts and *[surcharges]* debits;
3. Executive director—Person designated by the board of trustees of that trust to oversee all operations of the trust and who is not an owner or employee of any service company;
4. Foreign corporation—A corporation for profit organized under laws other than the laws of this state;
5. Group—Not less than ten (10) private employers not commonly owned or ten (10) governmental entities of the same type;
6. Pure premium rate—That portion of the rate which represents the loss cost per unit of exposure including loss allocated and unallocated adjustment expenses;

7. Rate—The cost of insurance per exposure base unit, prior to any application of individual risk variations based on loss or expense considerations, and does not include minimum premiums;

8. Regular member—Those persons, businesses, firms, or corporations which meet all eligibility requirements and are approved for full membership into an association and which are also accorded all voting and membership privileges of the association;

9. Same industry—A group with employer members of a similar nature, in the same line of business, and using the same class codes pursuant to the uniform classification system filed by the advisory organization with the director of the Department of Insurance, **Financial Institutions and Professional Registration** in compliance with section 287.955, RSMo;

10. Security—A surety bond, an **irrevocable letter of credit**, or escrow deposit to assure the fulfillment of payment or performance of any workers' compensation liability or obligation of an employer;

11. Service company—Any person, business, firm, or corporation that provides insurance or other workers' compensation administrative services, which includes, but is not limited to, plan administrators, claims administrators, loss control consultants, brokers, and agents;

12. Surplus or surplus monies—*[The excess of total premium paid by trust members plus investment income over losses paid, administrative expenses, actuarially substantiated outstanding reserves, actuarially developed incurred but not reported losses, and previously paid surplus distributions; and]* The amount by which the sum of total premium paid by trust members and investment income exceeds the sum of—

- A. Losses and loss adjustment expenses paid;
- B. Administrative expenses incurred;
- C. Outstanding reserves for known injuries and occupational diseases;
- D. Actuarially developed reserves for case reserve development and the cost of incurred but not reported injuries and occupational diseases; and
- E. Previously paid surplus distributions; and

13. Trust—A combination of persons, businesses, firms, or corporations bound together to secure, jointly and severally, workers' compensation liability by holding the individual interests of each subservient to a common authority for the common interests of all. This shall also include the written instrument that creates the trust.

(2) Individual Employer Self-Insurance—Application. An employer seeking exemption from insuring his/her risk under the Workers' Compensation Act, by obtaining the privilege of becoming an individual self-insurer, shall apply on the specified form titled Application for Self-Insurance, **WC-81, included herein**. The initial application is to be presented at the office of the Division of Workers' Compensation in Jefferson City, Missouri, by a representative of the employer and service company, if applicable. Each *[corporation or]* legal entity desiring to self-insure shall submit a separate application. Such application shall be sworn and executed by an executive officer of the applicant.

(3) Individual Self-Insurance—Additional Requirements.

(A) In addition to the application, compliance with all of the following shall be required:

1. Balance sheets and income statements for the last four (4) years; the balance sheets and income statements must be provided for each entity seeking self-insurance;
2. A statement or report setting forth the total of workers' compensation benefits paid to date and current case reserves (including medical) for a minimum of the last three (3) claim years;
3. A statement or report reflecting the current experience modification factor calculated pursuant to the Uniform Experience Modification Plan as approved by the Missouri Department of Insurance, **Financial Institutions and Professional Registration**;

4. A description of the administrative organization to be maintained by the employer or service company to handle workers' compensation matters, including the reporting of injuries, authorization of medical care, providing payment of compensation, handling of claims for compensation, and the safety program, together with the name and location of each such office and qualifications of the personnel in such office to perform such services. If a service company provides loss control services it must be certified by the division. If a service company provides claims administration services it must be licensed through the Missouri Department of Insurance, **Financial Institutions and Professional Registration**. Designation of a service company to administer workers' compensation claims, who is licensed by the Missouri Department of Insurance, **Financial Institutions and Professional Registration**, with a copy of the signed service agreement, which shall include a commitment to handle claims to their conclusion. In the event an employer wishes to change claims service companies, the employer may elect to contractually have the current service company continue to handle existing claims to their conclusion or it may elect to transfer that responsibility in an orderly fashion to the new service company. Any partner, member of a limited liability corporation, or officer or director of any corporation or an immediate family member of such person shall not be an owner or employee of the service company;

5. All applicants, whether a corporation or other legal entity, both foreign and domestic, shall file with the application the appropriate Certificate of Good Standing, or its equivalent, regarding that particular entity as issued by its respective state in which organized, along with a certified copy of the applicant's authority to do business in Missouri as issued by the Missouri Secretary of State and copies of all relevant corporate resolutions;

6. A chart of the organizational structure of the company, including any parent, subsidiary or related entities; and

7. Other information including any supporting documentation as requested by the division. In accordance with the provisions of section 287.660.2, RSMo, the division shall fix and collect from the employer the reasonable expenses of any investigation necessary to determine its ability to carry its own insurance; therefore, each application for authority to become a self-insurer shall be accompanied by a remittance in the amount of two hundred fifty dollars (\$250), payable to the Division of Workers' Compensation, to cover the costs of such investigation and the applicant shall be charged when the investigation costs are in excess of two hundred fifty dollars (\$250). This fee will not be refunded, regardless of the disposition of the application.

(B) The division shall make a preliminary determination based on the factors set out in paragraph (3)(I)1. to approve or deny the application and shall notify the applicant. Upon preliminary approval of the application, the employer shall comply with the following:

1. Provide security in the minimum amount of two hundred thousand dollars (\$200,000) and the division may, if it deems advisable in any particular case, require a larger amount. Security will be furnished in one (1) of *two (2) three (3)* ways: by filing with the Division of Workers' Compensation an approved surety bond; **by an irrevocable letter of credit**; or by depositing in escrow approved securities as defined in this section. In exceptional instances the division may require additional security deposits equal to actuarially determined incurred losses.

A. If a surety bond is given, the surety shall be by a company admitted by the Missouri Department of Insurance, **Financial Institutions and Professional Registration** to transact such business in this state and shall be AM Best rated A- or better or shall have reserves acceptable to the department for a new and unrated company. The bond shall be on a form prescribed by the Division of Workers' Compensation **included herein (Bond of Employer Carrying His Own Risk, WC-82 Bond)**. Any such bond shall be perpetual and shall not be released by the division unless additional replacement security approved by the division is provided. In the case of insolvency, the proceeds of the surety bond shall be trans-

ferred to Missouri Private Sector Individual Self-Insurers Guaranty Corporation, if applicable, in anticipation of payment for compensation obligations which the employer has not paid; but no funds shall be used to make payments of compensation until the division has given the employer and surety company thirty (30) days' written notice.

B. If the securities are deposited in escrow, they shall be in the form of United States Government Obligations, which are limited to treasury bills, notes, or bonds. Securities deposited in escrow or trust shall be deposited only in a bank or trust company in the state of Missouri. When securities are deposited as provided above, the employer shall file with the division an agreement on a form approved by the division **included herein (Escrow Agreement, Form 82 Escrow)**, providing that upon failure or neglect of the employer to make payment of compensation all, or any part of such securities, as the occasion may require, may be sold. The proceeds of this sale shall be transferred to Missouri Private Sector Individual Self-Insurers Guaranty Corporation, if applicable, in anticipation of payment for compensation obligations which the employer has not paid; but no securities shall be sold or funds shall be used to make payments of compensation until the division has given the employer and bank or trust company thirty (30) days' written notice.

C. **An irrevocable letter of credit (hereafter letter of credit) must meet those requirements found in section 400.5-101, RSMo et seq., as well as those additional requirements found below. The letter of credit, along with an authorization for release of confidential information, must be submitted to the division on division-approved forms included herein (Irrevocable Letter of Credit, WC-249; Authorization For Release of Confidential Information, WC-249-3). The letter of credit must include the following provisions:**

(I) A letter of credit, issued by a commercial bank chartered under the laws of Missouri or chartered pursuant to the National Banking Act, may be submitted to the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation (hereinafter the division). The letter of credit must be in an amount equal to the otherwise required bond or securities;

(II) The letter of credit shall be irrevocable, and the beneficiary shall be the division. Payment shall be made immediately upon presentation of a demand for payment signed by the director of the division or his/her designated representative;

(III) All letters of credit shall conform to a required format. A standard letter of credit form embodying this format shall be provided by the division and is included herein (Irrevocable Letter of Credit, WC-249). All letters of credit shall be accompanied by an authorization for release of confidential information allowing the director of the division or his/her designee to release confidential information to the issuing bank;

(IV) A demand for payment upon a letter of credit may be presented for payment only upon reasons that bond proceeds would be demanded;

(V) All letters of credit must be negotiable at a financial institution located within Missouri;

(VI) Letters of credit shall have a term of one (1) year and shall be automatically renewable on an annual basis for an additional five (5) years. A letter of credit may be canceled by the issuer sixty (60) days after written notice is delivered to the division. Upon this notice the applicant shall be required to substitute a surety bond within sixty (60) days. If the required bond is not received within that time period, the self insurance privilege shall immediately terminate without notice;

(VII) The division shall not release the letter of credit until it is satisfied, either by audit or otherwise, that no claims exist against the letter; and

(VIII) An applicant shall be required to augment letters of credit in any situation where the applicant would be required to increase its coverage under a surety bond. This additional

bonding requirement may be satisfied by increasing the letter of credit, submitting an additional letter of credit, submitting an additional surety bond, or depositing additional securities. Failure to increase the letter of credit amount when required will result in the immediate termination of the self insurance privilege without notice.

[C./D.] After an employer has secured his/her liability by any one (1) of the methods provided by these rules and desires to substitute one (1) form of security for the other, substitution may be done with prior approval of the division thirty (30) days before the effective date;

2. All subsidiary corporations or other subsidiary legal entities shall have the parent corporation or other legal entity guarantee its liability for payment of benefits under Chapter 287, RSMo, and shall file such guarantee with the division along with a resolution of the parent entity authorizing such guarantee. The parent corporation or other legal entity must be in business for at least four (4) years. The form and substance of such guarantees shall be approved by the division **as included herein (Guaranty To Satisfy Compensation Claims Under Workers' Compensation Law of Missouri, WC-82A)**;

3. Provide confirmation of specific excess insurance or aggregate excess insurance, or both types of insurance, issued by an insurance carrier admitted by the Department of Insurance, **Financial Institutions and Professional Registration** to do business in this state with specified policy limits and retention amounts approved by the division. The insurance carrier shall be AM Best rated A- or better or shall have reserves acceptable to the department for a new and unrated company. The terms and conditions of the insurance contract shall be applicable only to Missouri. This coverage cannot be canceled or nonrenewed unless written notice by certified mail is given to the other party to the policy and to the division not less than sixty (60) days before termination by the party desiring to cancel or not renew the policy; and

4. In accordance with section 287.860, RSMo, each applicant seeking to become a self-insurer, other than self-insured trusts, or individual public sector self-insurers, as defined in section 287.280 or 537.620, RSMo shall become and remain members of the Missouri Private Sector Individuals Self-Insurers Guaranty Corporation.

(5) Trust Self-Insurers—Additional Requirements.

(A) The application **on division-approved form included herein (Application for Group Self Insurance, WC-81A)**, as submitted by the board of trustees of the self-insurers' trust, shall be accompanied by all of the following:

1. A copy of the bylaws and trust agreement of the proposed group self-insurers' trust which shall be approved by the division. The trust agreement shall include an indemnity clause which jointly and severally binds the group and each member thereof for payment of benefits to employees of members of the group and all other liability pursuant to Chapter 287, RSMo. A copy of the bylaws of the association or organization, if applicable, shall also be submitted. If there is a conflict between these bylaws or trust agreement and any rule or statute, such statute or rule shall supersede the bylaws or trust agreement;

2. An individual application of each member of the group applying for coverage in the trust **on division-approved form included herein (Application for Membership In The, WC-81B)**, including acceptance or execution of the trust agreement, current financial statements, experience modification worksheet from the uniform experience modification plan of the advisory organization, premium worksheet, and three (3) years prior loss runs for all members. The loss runs shall be filed separately and combined;

3. A current financial statement of each member of a self-insurers' group which taken collectively depicts the combined net worth of all members applying for coverage on the inception date of the

trust which shall not be less than five (5) million dollars *[((\$5,000,000))]*;

4. A composite listing of the estimated annual premium to be developed by each member of the group individually and in total as a group. The trustees shall provide proof, satisfactory to the division, that the total estimated annual premium of the trust will be at least one (1) million dollars *[((\$1,000,000))]*;

5. Proof of payment by each member of not less than twenty-five percent (25%) of the estimated annual premium into a designated depository in the state of Missouri at inception, with the remainder paid in equal monthly or quarterly payments during the premium year, however, a member may make premium payments in advance of this schedule;

6. A nonrefundable filing fee in the amount of five hundred dollars (\$500) payable to the Division of Workers' Compensation;

7. Designation of the board of trustees and executive director of the trust. The executive director may be the chairman of the board of the trust or another person, so long as the designee meets the requirements of paragraph (1)(A)3.;

8. *[A breakdown of all projected administrative expenses for the trust year in an amount and as a percentage of the estimated annual premium. Expenses shall not exceed thirty percent (30%) of actual premium collected] A budget showing all expected income and expenses on an accrual basis for the trusts' first year;*

9. Proof shall be provided to demonstrate that, within its own organization, the trust has ample facilities and competent personnel to service its own program with respect to underwriting matters and safety/loss control services or shall contract with an approved service company to provide these services. A service company shall have personnel or a safety/loss control service program certified by the division's Missouri Workers' Safety Program. Underwriting guidelines and the safety/loss control service program shall be submitted to the division; and

10. Other relevant information including any supporting documentation as requested by the division.

(B) The division shall make a preliminary determination based on the factors set out in paragraph (3)(I)1. to approve or deny the application and shall notify the applicant. Upon preliminary approval of the application, the trust shall comply with the following:

1. Security shall be furnished in the amount set by the division, which may be changed if it is deemed advisable. The security will be provided in accordance with paragraph (3)(B)1. of this rule except the minimum amount is set at five hundred thousand dollars (\$500,000). Any trust in existence on the effective date of this rule shall comply with this requirement by December 31, 1997. Any collateralization of security shall be provided by the members of the trust or governing association or organization, if applicable, and shall not encumber the assets of the trust;

2. Provide confirmation of specific and aggregate excess insurance in a form and amount approved by the division and issued by a company admitted by the Department of Insurance, **Financial Institutions and Professional Registration** to transact business in this state or a substitute arrangement approved by the division. The insurance carrier shall be AM Best rated A- or better or shall have reserves acceptable to the department of a new and unrated company. The terms and conditions of the insurance contract shall be applicable only to Missouri. This coverage cannot be canceled or nonrenewed unless written notice by certified mail is given to the other party to the policy and to the division not less than sixty (60) days before termination by the party desiring to cancel or not renew the policy; and

3. Provide proof of a fidelity bond or employee dishonesty policy of not less than one (1) million dollars *[((\$1,000,000))]* for trustees and service companies, as well as proof of an errors and omissions policy or professional liability policy for the service companies, and directors and officers liability policy for trustees of the plan in a form and an amount acceptable to the division.

(D) Any trust that is finally approved under the provisions of subsection (5)(C), or has been approved prior to the effective date of this rule, shall also be required to remain in compliance with the provisions of paragraphs (5)(A)1. and 6.-10., the provision of subsections (5)(E) and (5)(F), and the provisions of sections (6)-(9) of this rule during the continued existence of the trust.

1. Any trust that is finally approved under the provision of subsection (5)(C), or has been approved prior to the effective date of this rule, shall also be required to maintain a minimum annual audited collected premium of at least one **(1)** million dollars *[\$1,000,000]*, except as set out in paragraph (5)(D)2.

2. Any trust approved prior to the effective date of this rule that does not have a minimum annual audited collected premium of at least one **(1)** million dollars *[\$1,000,000]* on the effective date of the rule shall not be required to comply with the provisions of paragraph (5)(D)1. Any such trust shall be required to maintain a minimum estimated annual premium level not less than ninety-five percent (95%) of the amount of that trust's annual audited collected premium as of July 1, 1997. Any such trust shall maintain a surplus to annual audited collected premium ratio of at least twenty-five percent (25%). This ratio shall be determined annually beginning July 1, 1997, based on the trust's most recent audited financial reports. The trust may elect to comply with the provisions of paragraph (5)(D)1. by July 1, 1997, in lieu of the requirements of this paragraph.

(E) The trust shall have authority to admit and terminate members subject to the following:

1. After the inception date of the trust, prospective new members of the trust shall submit an application for membership to the board of trustees, on a form approved by the division **included herein (Application For Membership In The, WC-81B)**. If approved by the trustees, the trust may immediately bind the new member. The application for membership with all documents required by paragraph (5)(A)2. and proof of compliance with subsection (5)(A), shall within fifteen (15) days of the effective date of the application, be filed with the division for approval or denial. The division shall approve or deny the application, and notify the trust, within twenty (20) days of receipt of the application; and

2. Individual members of a group shall be subject to cancellation by the division for failure to comply with any of these rules, or by the trust pursuant to the bylaws of the trust. Additionally, individual members of the trust may elect to terminate their participation in the trust subject to the provisions of their respective trust agreement or bylaws. However, such termination or cancellation shall not be effective for thirty (30) days, or such longer period as may be provided for in the trust agreement, after all parties have been notified of the termination or cancellation.

(6) Trust Self-Insurers—Reports.

(A) Reports as to financial standing, excess coverage, coded workers' compensation payroll records, accident experience, premium collections, and compensation payments~~/,~~ shall be made by each trust at the times and manner, and upon such forms as the division may require, as follows:

1. A statement of financial condition of the trust audited by an independent certified public accountant shall be filed annually with the division and within one hundred *[twenty (20)]* **fifty (150)** days after the end of the trust's fiscal year. The division may grant additional time to file upon application of the trust for good cause shown. The financial statement, not limited to actuarially appropriate reserves, shall include as liabilities: all known claims and expenses associated therewith; all claims incurred but not reported and expenses associated therewith; all unearned premiums; and all bad debts. The division reserves the right to prescribe the type of audits to be made and a uniform accounting system to be used by self-insurers' trusts and service companies to determine the solvency of the group self-insurers' trust;

2. An annual actuarial study regarding reserves for all known claims and expenses associated therewith, and claims incurred but not reported and expenses associated therewith, which shall be included in the actuarial study. The study shall be given by a member in good standing of the American Academy of Actuaries or of the Casualty Actuarial Society **who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries** and shall have experience in Missouri workers' compensation. The opinion shall be issued with a Statement of Actuarial Opinion as to the adequacy of the losses, loss adjustment expenses, and rates contained in the study;

3. Annually, or for a shorter term which must be approved by the division all rates utilized by the trust for each term must be filed. The rates must be accompanied by a report of estimated annual premium and projected expenses. Projected expenses should include estimated administrative expenses and estimated workers' compensation liabilities. The statement of estimated workers' compensation liabilities shall be actuarially developed and may be combined with the opinion required in paragraph (6)(A)2. Estimated annual premiums shall exceed projected expenses. Upon acceptance of the filed rates by the division, the accepted rate shall remain constant for the full term. The rates may be calculated as follows:

A. Rates actuarially developed on the trust's own experience; or

B. From the pure premiums rates developed and published by the advisory organization or the Department of Insurance, **Financial Institutions and Professional Registration**; or

C. From the rates calculated by the Department of Insurance, **Financial Institutions and Professional Registration** based on rates filed by the twenty (20) insurance companies providing the greatest volume of workers' compensation insurance coverage;

4. A quarterly claim activity summary report listing paid and reserved indemnity, medical and claims expenses for each trust year. A trust year is considered open as long as one (1) claim for that trust year remains unsettled;

5. A copy of the minutes of all trustee meetings shall be submitted within thirty (30) days of the meeting;

6. A quarterly financial statement;

7. Annual tax and assessment reports of the Department of Insurance, **Financial Institutions and Professional Registration** which shall be filed with the department. The uniform experience rating plan promulgated by the advisory organization shall be used in determining the modified premium;

8. Additionally, *[on an annual basis each employer in the trust shall procure an experience rating sheet from the Uniform Experience Modification Rating Plan of the advisory organization, at the expense of the employer or trust]* **trusts shall utilize a uniform experience rating plan promulgated by an approved advisory organization. Trusts shall develop experience ratings for their members based on the plan;**

9. All advertising and informational brochures shall be submitted to the division for review and comment within thirty (30) days after distribution and use. If the division disapproves, the trust shall revise the material and distribute only the new material, which shall include an explanation of all changes to be sent to all persons that received the new material;

10. The trust shall notify the division at least thirty (30) days prior to any change in ownership, officers, trustees, operations, service company, address, security, or any other change that affects the trust's self-insurance status. If a member of the trust changes address or ownership, the trust shall notify the division within thirty (30) days of the change~~/;~~; and

11. The Annual Report for Self-Insured Trusts shall be filed annually with the division within one hundred fifty (150) days from the end of the calendar year.

[11./12. Other reports as determined by the division.

(7) Trust Self-Insurers; Trustee Responsibilities. To ensure the financial stability of the operation of each self-insured trust, the board of trustees shall be responsible for all operations of the trust. The board of trustees shall have at least five (5) persons elected from the membership of the trust, association, or organization for stated terms of office, to direct the administration of the trust. The board's duties shall include responsibility for approving application for membership in such trust. A trustee, employee of the trust, or immediate family member shall not be an owner, officer, or employee of the trust's service company(ies). The board of trustees of each trust shall take all necessary precautions to safeguard the assets of the trust, including but not limited to, all of the following:

(A) Where the trust has designated a fiscal agent to administer the financial affairs of the trust, the fiscal agent, as obligee, shall furnish security as provided by paragraph (5)(B)3. in an amount sufficient, but not less than one (1) million dollars *[(1,000,000)]*, to protect the trust against the misrepresentation or misuse of any monies or securities. The amount of the bond or policy shall be determined by the division and evidence of such shall be filed as one (1) of the conditions required for approval of the establishment and continued operation of a self-insurers' trust;

(B) Retain responsibility for all monies collected or disbursed from the trust, *[and] which shall be placed in a designated depository. Trusts with three (3) years or less of experience shall separate all monies into a claims trust account and an administrative trust account. [At least seventy percent (70%) of the net premium shall be placed into the claims trust account in a designated depository for the sole purpose of paying incurred and contingent workers' compensation liabilities, allocated expenses, and special loss related expenses, such as funeral expenses, as imposed by Chapter 287, RSMo. The remaining thirty percent 30% premium shall be placed into an administrative trust account in a designated depository for the payment of excess insurance premiums, taxes, general regulatory fees and assessments, bonds, and administrative costs. The division, in its discretion, may allow a minor deviation in expenses as a percentage of net premium collected on an annual basis.] The claims trust account shall consist of the loss and loss adjustment expense portion of the premium. The remaining premium shall be placed in the administrative trust account.* Such designated depository shall be a Missouri bank or trust company. Interest earned shall accrue to its respective account. Such accounts shall be invested in United States treasury bills, notes, or bonds, certificates of deposit issued by a duly chartered commercial bank, or a transaction account of the designated depository. The executive director of the trust shall establish a revolving trust or account for use by the authorized service company, for use in claims payments;

(8) Trust Self-Insurers Trusts—Discounts, Surcharges, Surplus Distribution, Deficits.

(A) The trust shall not authorize total discounts for any individual member exceeding *[fifteen] twenty-five percent [(15%)] (25%)*. All discounts shall be based on objective quantitative factors and applied uniformly to all trust members.

(D) In the event of an **aggregate** deficit in *[any] all* trust years, the trust shall immediately notify the division and the deficit shall be made up immediately from any of the following:

1. *[Unencumbered surplus from trust year other than the current trust year;]* **By an increase to the trust's security amount;**

[2. Administrative account;]

[3.]2. By assessment of the membership [of the deficit trust year if ordered; and], as indicated in the trusts' by laws;

3. By increased rates for subsequent years; or

4. By such alternative method as the division may approve. *[The division shall be notified before any transfer of unencumbered surplus monies.]*

(E) Trusts with more than three (3) years of experience shall meet the following: aggregate surplus plus their current security amount shall be greater than either one and one-half (1 1/2) times the largest historical per occurrence retention or twenty percent (20%) of the trust's current estimated annual premium. If the trust does not meet the surplus requirement within the term of the plan of action approved by the division, or any extension that may be granted at the division's sole discretion, the trust shall come into compliance by utilizing any of the four (4) options available in subsection (8)(D).



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

IRREVOCABLE LETTER OF CREDIT

TO: Missouri Department of Labor and Industrial Relations (Beneficiary)
Division of Workers' Compensation
P.O. Box 58
Jefferson City, MO 65102-0058

Amount U.S. \$ _____ Letter of Credit Line

Date of Issuance _____

At the Request of _____

Doing business as _____

of _____ State of _____

We hereby issue our irrevocable letter of credit in favor of the Missouri Department of Labor and Industrial Relations, Division of

Workers' Compensation, in the sum of _____ dollars (\$ _____) available by your demand for payment.

Demand under this irrevocable letter of credit must be accompanied by a written order of the Division of Workers' Compensation that there has been a default in the payment of a final Workers' Compensation award to any and all persons who may be entitled to such sum for medical, surgical and other services, funeral expenses or compensation for thirty days or that the principal has become insolvent,

and marked "Drawn against irrevocable letter of credit number _____."

This obligation shall be deemed automatically renewed on an annual basis for a period of not less than five (5) years from the date of this letter. This credit will expire in full and finally five (5) years from the date of issuance. The issuing banking institution may cancel the letter of credit and be released of future liability hereunder by delivering sixty (60) days' prior written notice to the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation, at the address shown above. Cancellation shall not affect any liability incurred and accrued hereunder prior to the termination of the sixty (60)-day period.

Upon receipt of notification, you may make your one (1) demand for payment for the unused balance of this irrevocable letter of credit, mentioning thereon our letter of credit number _____ accompanied by your signed statement that the agreement is still outstanding and that the proceeds of the payment will be retained and used in lieu of the letter of credit with any unused portion to be returned to the accountee.

We hereby engage with you that demands made in conformity with the terms of this credit will be duly honored on presentation.

In witness whereof, we have duly executed the foregoing this _____ day of _____, 20 _____.

Issuing Bank Institution

Address

City, State, Zip Code

Bank routing transit number

By _____

Signature and Title of Bank Official

Before me personally appeared _____ who acknowledges that s/he signed the foregoing as his/her free act and deed.

I have hereunto set my hand and affixed my official seal at my office in this _____ day of _____ 20 _____.

My term expires _____

Notary Public



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION

I hereby authorize the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation, to release confidential information to _____ for the purpose

of making demand for payment on letter of credit number _____ as long as the obligation remains in force and effect. Release of this information to the named banking institution does not give the banking institution authority to request information other than information concerning the delinquent periods for which a demand for payment is being made. I also release the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation, and Division personnel from any and all liability under section 287.380, RSMo, resulting from the release and disclosure of confidential information to this banking institution.

In witness whereof I, (We) have duly executed the foregoing this _____ day
of _____, 20_____.

Applicant

Typed and Printed

Workers' Compensation Account Number

Owner/Officer

Signature

Name and Title

Typed and Printed

Before me personally appeared _____ who acknowledges that
s/he signed the foregoing as his/her free act and deed.

I have hereunto set my hand and affixed my official seal at my office in this _____ day
of _____, 20_____.

My term expires _____

Notary Public

*AUTHORITY: sections 287.280 and 287.650, RSMo [1994] 2000. Original rule filed Dec. 28, 1953, effective Jan. 3, 1954. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 15, 2008.*

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions one hundred thirty-seven thousand nine hundred ninety-one dollars (\$137,991) to one hundred thirty-eight thousand nine hundred seventy-six dollars (\$138,976) annually in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation, Attn: Jeff Buker, Director, PO Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Name:	8 CSR 50-3.010 Rules Governing Self-Insurers
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance Annually in the Aggregate
Missouri Division of Workers' Compensation	Approximately \$137,991 - \$138,976 annually.

III. WORKSHEET

The Division of Workers' Compensation will employ approximately one Insurance Financial Analysis Specialist, at an annual salary of approximately \$37,296.00 to analyze and monitor financial operations, management practices and overall company or trust operations of self insurers and recommend appropriate actions. The specialist will also review the letters of credit that are posted by the self insurers to determine if they are acceptable. The credit rating of the issuing bank or savings institution shall be examined based upon the monthly edition of either Moody's Statistical Handbook prepared by Moody's Investors Service, Inc. New York or the quarterly edition or monthly supplement of Financial Institutions Ratings prepared by Standard & Poor's Corporation, New York. The Division will utilize the existing clerical Administrative Office Support Assistant at approximately \$22,148 annually, to assist in part with the letters of credit or financial documents. This brings the total for personal service at approximately fifty nine thousand four hundred forty four dollars to ninety six thousand seven hundred and forty dollars (\$59,444). The Division estimates that the amendment will increase mailings by maximum of 2500 pieces of mail annually costing the Division approximately \$1,000. The Division anticipates that the computer programming changes will cost approximately seventy seven five hundred and forty seven dollars to seventy eight five hundred and thirty two dollars (\$77,547-\$78,532.00).

The total amount of savings to the Division is unknown at this time.

IV. ASSUMPTIONS

See No. III

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 9—Conservation Equipment Incentive Program

PROPOSED RULE

10 CSR 70-9.010 Conservation Equipment Incentive Program Eligibility and Funding Requirements

PURPOSE: This rule establishes commission guidelines for use and availability of the department's Conservation Equipment Incentive Program.

(1) Establishing Applicant Eligibility. Eligible applicants are limited to landowners with an approved conservation plan utilizing the equipment purchased or an operator of a farm with an approved conservation plan utilizing the equipment purchased.

(2) Approval of Applications. Applications for conservation equipment included on the commission's list of eligible equipment shall be submitted to the department's Soil and Water Conservation Program on forms provided by the department. The department will approve applications on a first-come, first-serve basis beginning with each fiscal year. Applications will be accepted throughout the year. A percent of the purchase amount will be paid to the approved applicant in the form of a rebate. The commission will determine the percent of the rebate paid.

(3) Eligible Conservation Equipment. The commission will establish a list of eligible conservation equipment. Eligibility is limited to new or used equipment included on the list of eligible equipment purchased from a bona fide agriculture equipment dealer. A landowner or operator is limited to participation in the Conservation Equipment Incentive Program for the same type of equipment once every five (5) years.

AUTHORITY: section 278.080, RSMo Supp. 2007. Original rule filed Aug. 15, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Natural Resources, Bill Foster, director of the Soil and Water Conservation Program, PO Box 176, Jefferson City, MO 65102, (573) 751-1172. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 25—Physician Program

PROPOSED AMENDMENT

13 CSR 70-25.110 Payment for Early Periodic Screening, [Diagnosis] Diagnostic and Treatment Program Services. The division is amending sections (1)–(7).

PURPOSE: This amendment removes reference to the general relief program that ended in 2005. It also changes the name of the state's

medical assistance program to MO HealthNet, revises the name of the program's administering agency to MO HealthNet Division to comply with state law, and changes program recipient to participant.

(1) The Department of Social Services shall administer an Early Periodic Screening, *[Diagnosis]* **Diagnostic**, and Treatment (EPSDT) Program. In Missouri, the EPSDT Program is administered as the Healthy Children and Youth (HCY) Program. The EPSDT/HCY Program provides for thorough physical and dental examinations for *[Medicaid/MO HealthNet]*-eligible persons under the age of twenty-one (21) years~~/, for persons under the age of twenty-one (21) years who are eligible for General Relief benefits]~~ and for all persons under the age of twenty-one (21) years in the legal custody of the Department of Social Services or any division of the department at no cost to the child or to the parents or guardians if they accept the offer of this service. Funding for EPSDT services is through Title XIX of the federal Social Security Act (Medicaid) and Missouri.

(2) EPSDT services are available to *[recipients]* **participants** under the age of twenty-one (21) years who are eligible to receive medical assistance benefits under the provisions of sections 208.151, 208.162, and 208.204, RSMo.

(3) The EPSDT Program shall make a general physical examination available to eligible *[recipients]* **participants** under the age of twenty-one (21) years. The components of the general physical examination shall include a health history, an unclothed physical examination, appropriate laboratory tests, immunizations, a developmental/mental health screen, a vision screen, and a dental screen. These screens will be made available at the frequency recommended by the American Academy of Pediatrics and the American Academy of Pediatric Dentists.

(B) Partial screens for vision, hearing, dental, unclothed physical examination, an interval history, and appropriate laboratory tests and immunizations, developmental/mental health assessment, and anticipatory guidance shall be reimbursable services.

(4) Providers of the screening services must be enrolled *[Medicaid]* **MO HealthNet** providers.

(5) Reimbursement for medically necessary treatment services identified as a result of a screening shall be provided by the Department of Social Services, *[Division of Medical Services]* **MO HealthNet Division**, if the services are available under Section 1905(a) of the Social Security Act. These services shall be limited by medical necessity. Experimental services are not covered. Any service authorized must be effective in addressing the *[recipient's]* **participant's** need. Services may be prior-authorized to assure medical necessity.

(6) Medical and dental services which Section 1905(a) of the Social Security Act permits to be covered under *[Medicaid]* **MO HealthNet** and which are necessary to treat or ameliorate defects, physical, and mental illness or conditions identified by an EPSDT screen are covered regardless of whether or not the services are covered under the Medicaid state plan. Services provided under this program will be sufficient in amount, duration, and scope to reasonably achieve their purpose. The services are limited due to medical necessity. Services identified as needed as the result of a screening which are beyond the scope of the Medicaid state plan require a plan of care identifying the treatment needs of the child in regard to amount, scope, and prognosis. Prior authorization of services may be required for these services needs and for services of extended duration unless otherwise noted in the benefits and limitations section of the provider manual of the appropriate provider of the service. Examples of services beyond the scope of the state Medicaid Plan are—orthodontic services; physical, occupational, and speech therapy evaluations and services; psychology and counseling services; private duty nursing services; and medical supplies. Services may be

made available on an inpatient, outpatient office, or home setting depending upon the medical condition of the [recipient] participant and availability of services.

(7) Services must be provided by enrolled [Medicaid] MO HealthNet providers operating within their legal scope of practice.

AUTHORITY: sections 208.152, [RSMo Supp. 1990,] 208.153, [RSMo Supp. 1991] and 208.201, RSMo Supp. [1987] 2007. This rule was previously filed as 13 CSR 40-81.015. Original rule filed Jan. 15, 1985, effective April 11, 1985. Amended: Filed Jan. 13, 1992, effective Sept. 6, 1992. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 94—Rural Health Clinic Program

PROPOSED AMENDMENT

13 CSR 70-94.010 Independent Rural Health Clinic Program.
The division is amending sections (1)–(12) and adding subsection (7)(B).

PURPOSE: This amendment revises the MO HealthNet cost report filing deadline to agree with the Medicare cost report filing deadline and clarifies the supplemental interim MO HealthNet reimbursement available to Independent Rural Health Clinics that provide services to MO HealthNet managed care participants. It also changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, and changes program recipients to participants.

(1) Authority. This is the payment methodology used to reimburse providers in the [Medicaid] MO HealthNet Independent Rural Health Clinic (RHC) program.

(2) Qualifications. For a clinic to qualify for participation in the [Medicaid] MO HealthNet independent RHC program, the clinic must be an independent facility, which means that the clinic may not be part of a hospital. However, a clinic may be located in the same building as a hospital, as long as there is no administrative, organizational, financial, or other connection between the clinic and the hospital.

(3) General Principles.

(A) The [Missouri Medical Assistance (Medicaid)] MO HealthNet program shall reimburse independent RHC providers based on the reasonable cost of RHC-covered services related to the

care of [Medicaid recipients] MO HealthNet participants (with-in program limitations) less any copayment or other third party liability amounts which may be due from [Medicaid recipients] MO HealthNet participants.

(B) Reasonable costs shall be determined by the [Division of Medical Services] MO HealthNet Division based on desk review of the applicable cost reports and shall be subject to adjustment based on field audit. Reasonable costs shall not exceed the Medicare cost principles set forth in 42 CFR part 413.

(4) Definitions. The following definitions shall apply for the purpose of this rule:

(A) Desk review. The [Division of Medical Services] MO HealthNet Division's review of a provider's cost report without on-site audit;

(B) Division. Unless otherwise designated, division refers to the [Division of Medical Services] MO HealthNet Division, the division of the Department of Social Services charged with administration of [Missouri's Medical Assistance (Medicaid)] the MO HealthNet program;

(D) Generally accepted accounting principles (GAAP). Accounting conventions, rules, and procedures necessary to describe accepted accounting practice at a particular time promulgated by the authoritative body establishing those principles;

(F) Provider or facility. An independent RHC with a valid [Medicaid] MO HealthNet participation agreement in effect with the Department of Social Services for the purpose of providing RHC services to Title XIX eligible [recipients] participants.

(5) Administrative Actions.

(A) Annual Cost Report.

1. Each independent RHC shall complete a Medicaid cost report for the RHC's twelve (12)-month fiscal period.

2. Each RHC is required to complete and submit to the division an Annual Cost Report, including all worksheets, attachments, schedules, and requests for additional information from the division. The cost report shall be submitted on forms provided by the division for that purpose.

3. All cost reports shall be completed in accordance with the requirements of this rule and the cost report instructions. Financial reporting shall adhere to GAAP except as otherwise specifically indicated in this rule.

4. The cost report shall be submitted within [three (3)] five (5) calendar months after the close of the reporting period. A single extension, not to exceed thirty (30) days, may be granted upon the request of the RHC and the approval of the division. The request must be received in writing by the division prior to the [ninetieth day] end of the [three (3)] five (5) calendar-month period after the close of the reporting period.

5. In a change of ownership, the cost report for the closing period must be submitted within forty-five (45) calendar days of the effective date of the change of ownership, unless the change in ownership coincides with the seller's fiscal year end, in which case the cost report must be submitted within [three (3)] five (5) months after the close of the reporting period. No extensions in the submitting of cost reports shall be granted when a change in ownership has occurred.

6. Cost reports shall be submitted and certified by an officer or administrator of the provider. Failure to file a cost report within the prescribed period, except as expressly extended in writing by the state agency, may result in the imposition of sanctions as described in 13 CSR 70-3.030.

7. Authenticated copies of agreements and other significant documents related to the provider's operation and provision of care to [Medicaid recipients] MO HealthNet participants must be attached to the cost report at the time of filing unless current and accurate copies have already been filed with the division. Material

which must be submitted includes, but is not limited to, the following:

A. Audit, review, or compilation statement prepared by an independent accountant, including disclosure statements and management letter;

B. Contracts or agreements involving the purchase of facilities or equipment during the five (5) years if requested by the division, the department, or its agents;

C. Contracts or agreements with owners or related parties;

D. Contracts with consultants;

E. Schedule detailing all grants, gifts, and income from endowments, including [./] amounts, restrictions, and use;

F. Documentation of expenditures, by line item, made under all restricted and unrestricted grants, gifts, or endowments;

G. Statement verifying the restrictions as specified by the donor, prior to donation, for all restricted grants;

H. Leases or rental agreements, or both, related to the activities of the provider;

I. Management contracts;

J. Provider of service contracts; and

K. Working trial balance actually used to prepare cost report with line number tracing notations or similar identifications.

8. Under no circumstance will the division accept amended cost reports for final settlement determination or adjustment after the date of the division's notification of the final settlement amount.

(B) Records.

1. Maintenance and availability of records.

A. A provider must keep records in accordance with GAAP and maintain sufficient internal control and documentation to satisfy audit requirements and other requirements of this rule, including reasonable requests by the division or its authorized agent for additional information.

B. Adequate documentation for all line items on the cost report shall be maintained by a provider. Upon request, all original documentation and records must be made available for review by the division or its authorized agent at the same site at which the services were provided. Copies of documentation and records shall be submitted to the division or its authorized agent upon request.

C. Records of related organization, as defined by 42 CFR 413.17, must be available upon demand.

D. The division shall retain all uniform cost reports submitted for a period of at least three (3) years following the date of submission of the reports and will maintain those reports pursuant to the record-keeping requirements of 42 CFR 413.20.

E. Each facility shall retain all financial information, data, and records relating to the operation and reimbursement of the facility for a period of not less than five (5) years.

2. Adequacy of records.

A. The division may suspend reimbursement or reduce payments to the appropriate fee schedule amounts if it determines that the RHC does not maintain records that provide an adequate basis to determine payments under *[Medicaid] MO HealthNet*.

B. The suspension or reduction continues until the RHC demonstrates to the division's satisfaction that it does, and will continue to, maintain adequate records.

(D) Change in Provider Status. The next payment due the provider after the division has received the notification of the termination of participation in the *[Medicaid] MO HealthNet* program or change of ownership may be held by the division until the cost report is filed. Upon receipt of a cost report prepared in accordance with this rule, the payments that were withheld will be released.

(6) Nonallowable Costs. Cost not reasonably related to RHC services shall not be included in a provider's costs. Nonallowable cost areas include, but are not limited to, the following:

(B) Bad debts, charity, and courtesy allowances;

(F) Attorney fees related to litigation involving state, local, or federal governmental entities and attorney's fees which are not related

to the provision of RHC services, such as litigation related to disputes between or among owners, operators, or administrators;

(H) Costs such as legal fees, accounting and administration costs, travel costs, and the costs of feasibility studies which are attributable to the negotiation or settlement of the sale or purchase of any capital asset by acquisition *[of]* or merger for which any payment has been previously made under the program;

(M) Religious items or supplies or services of a primarily religious nature performed by priests, rabbis, ministers, or other similar types of professionals. Costs associated with portions of the physical plant used primarily for religious functions are also nonallowable;

(O) Salaries, wages, or fees paid to nonworking officers, employees, or consultants;

(Q) Costs of services performed in a satellite clinic, which does not have a valid *[Medicaid] MO HealthNet* participation agreement with the Department of Social Services for the purpose of providing RHC services to Title XIX-eligible *[recipients] participants*.

(7) Interim Payments.

(A) Independent RHCs, unless otherwise limited by regulation, shall be reimbursed on an interim basis by *[Medicaid] MO HealthNet* at the Medicare RHC rate. Interim payments shall be reduced by copayments and other third party liabilities.

(B) An independent RHC in a *MO HealthNet* managed care region shall be eligible for supplemental reimbursement up to its interim Medicare RHC rate. This reimbursement shall make up the difference between the independent RHC's Medicare rate and total managed care health plan payments to the clinic for managed care participants for covered services rendered to *MO HealthNet* managed care participants during the reporting period. The supplemental reimbursement shall occur pursuant to the schedule agreed to by the division and the independent RHC but shall occur no less frequently than every four (4) months. Supplemental reimbursement shall be requested on forms provided by the division. Supplemental reimbursement for managed care charges shall be considered interim reimbursement of the independent RHC's *MO HealthNet* costs.

(8) Reconciliation.

(A) The state agency shall perform an annual desk review of the Medicaid cost reports for each RHC's fiscal year and shall make indicated adjustments of additional payment or recoupment, in order that the RHC's net reimbursement shall equal reasonable costs as described in this section.

1. The total reimbursement amount due the RHC for covered services furnished to *[Medicaid recipients] MO HealthNet participants* is based on the Medicaid cost report and is calculated as follows:

A. The average cost per visit is calculated by dividing the total allowable cost incurred for the reporting period by total visits for RHC services furnished during this period. The average cost per visit is subject to tests of reasonableness which may be established in accordance with this rule or incorporated in the Allowable Cost per visit as determined on Worksheet 3.A., line 7.

B. The total cost of RHC services furnished to *[Medicaid recipients] MO HealthNet participants* is calculated by multiplying the allowable cost per visit by the number of *[Medicaid] MO HealthNet* visits for covered RHC services.

2. The total reimbursable cost is compared with total payments and third party liability made to the RHC for the reporting period.

3. The total reimbursement will be subject to adjustment based on the results of a field audit which may be conducted by the *[Division of Medical Services] MO HealthNet Division* or its contracted agents.

(9) Sanctions.

(B) Overpayments due the *[Medicaid] MO HealthNet* program from a provider shall be recovered by the division in accordance with

13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services.

(10) Appeals. In accordance with sections 208.156 and 621.055, RSMo, providers may seek hearing before the Administrative Hearing Commission of final decisions of the director, Department of Social Services or the *[Division of Medical Services]* **MO HealthNet Division**.

(11) Payment Assurance.

(B) RHC services provided for those *[recipients]* participants having available Medicare benefits shall be reimbursed by *[Medicaid]* **MO HealthNet** to the extent of the coinsurance and deductible as imposed under Title XVIII.

(C) Where third-party payment is involved, *[Medicaid]* **MO HealthNet** will be the *[payer]* payer of last resort.

(D) Regardless of changes of ownership, management, control, leasehold interests by whatever form for any RHC previously certified for participation in the *[Medicaid]* **MO HealthNet** program, the division will continue to make all the Title XIX payments directly to the entity with the RHC's current provider number and hold the entity with the current provider number responsible for all *[Medicaid]* **MO HealthNet** liabilities.

(12) Payment in Full. Participation in the *[Medicaid]* **MO HealthNet** program shall be limited to providers who accept as payment in full, for covered services rendered to *[Medicaid recipients]* **MO HealthNet participants**, the amount paid in accordance with these rules and applicable copayments.

AUTHORITY: section 208.201, RSMo Supp. [1987] 2007. Emergency rule filed Aug. 20, 1993, effective Sept. 18, 1993, expired Jan. 15, 1994. Emergency rule filed Jan. 19, 1994, effective Jan. 29, 1994, expired Jan. 31, 1994. Original rule Filed Aug. 20, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—[Division of Medical Services]
MO HealthNet Division
Chapter 94—Rural Health Clinic Program

PROPOSED AMENDMENT

13 CSR 70-94.020 Provider-Based Rural Health Clinic. The division is amending sections (1)–(7) and (9)–(12), adding subsection (7)(C), and deleting the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: This amendment revises the MO HealthNet cost report filing deadline to agree with the Medicare cost report filing deadline and clarifies the supplemental interim MO HealthNet reimbursement available to Provider-Based Rural Health Clinics that provide services to MO HealthNet managed care participants. It also changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, and deletes the forms that follow the rule in the *Code of State Regulations*.

(1) Authority. This is the payment methodology used to reimburse providers in the *[Medicaid]* **MO HealthNet** Provider-Based Rural Health Clinic (RHC) Program.

(2) Qualifications. For a clinic to qualify for participation in the *[Medicaid]* **MO HealthNet** Provider-Based RHC Program, the clinic must meet all of the following criteria:

(C) The clinic must be operated with other departments of the hospital, skilled nursing facility, or home health agency under common licensure, governance, and professional supervision.

(3) General Principles.

(A) The *[Missouri Medicaid]* **MO HealthNet** program shall reimburse provider-based rural health providers based on the reasonable cost incurred by the RHC to provide covered services, within program limitations, related to the care of *[Medicaid recipients]* **MO HealthNet participants** less any copayment or other third party liability amounts that may be due from the *[Medicaid]* **MO HealthNet**-eligible individual.

(B) Reasonable costs shall be determined by the *[Division of Medical Services]* **MO HealthNet Division** based on a desk review of the applicable cost reports and shall be subject to adjustment based on field audit. Reasonable costs shall not exceed the Medicare cost principles set forth in 42 CFR parts 405 and 413.

(4) Definitions. The following definitions shall apply for the purpose of this rule:

(A) Desk review. The *[Division of Medical Services]* **MO HealthNet Division's** review of a provider's cost report without on-site audit;

(B) Division. Unless otherwise designated, division refers to the *[Division of Medical Services]* **MO HealthNet Division**, a division of the Department of Social Services charged with the administration of *[Missouri's Medical Assistance (Medicaid)]* the **MO HealthNet** program;

(F) Provider or facility. A provider-based RHC with a valid *[Medicaid]* **MO HealthNet** participation agreement in effect with the Department of Social Services for the purpose of providing RHC services to *[Medicaid-eligible recipients]* **MO HealthNet-eligible participants**; and

(5) Administrative Actions.

(A) Annual Cost Report.

1. Each provider-based RHC shall complete a Medicaid cost report for the provider-based RHC's twelve (12)-month fiscal period.

2. Each provider-based RHC is required to complete and submit to the *[Division of Medical Services]* **MO HealthNet Division** an annual cost report, including all worksheets, attachments, schedules, and requests for additional information from the division. The cost report shall be submitted on forms provided by the division for that purpose.

3. All cost reports shall be completed in accordance with the requirements of this rule and the cost report instructions. Financial reporting shall adhere to GAAP except as otherwise specifically indicated in this regulation.

4. The cost report shall be submitted within *[three (3)] five (5)* calendar months after the close of the reporting period. A single extension, not to exceed thirty (30) days, may be granted upon the request of the provider-based RHC and the approval of the *[Missouri Division of Medical Services] MO HealthNet Division*. The request must be received in writing by the division prior to the *[ninetieth day] end* of the *[three (3)] five (5)* calendar-month period after the close of the reporting period.

5. In a change of ownership, the cost report for the closing period must be submitted within forty-five (45) calendar days of the effective date of the change of ownership, unless the change in ownership coincides with the seller's fiscal year end, in which case the cost report must be submitted within *[three (3)] five (5)* calendar months after the close of the reporting period. No extensions in the submitting of cost reports shall be granted when a change in ownership has occurred.

6. Cost reports shall be submitted and certified by an officer or administrator of the provider. Failure to file a cost report within the prescribed period, except as expressly extended in writing by the state agency, may result in the imposition of sanctions as described in 13 CSR 70-3.030.

7. Authenticated copies of agreements and other significant documents related to the provider's operation and provision of care to *[Medicaid recipients] MO HealthNet participants* must be attached to the cost report at the time of filing unless current and accurate copies have already been filed with the division. Material that must be submitted includes, but is not limited to, the following:

A. Audit, review, or compilation statement prepared by an independent accountant, including disclosure statements and management letter;

B. Contracts or agreements involving the purchase of facilities or equipment during the last five (5) years if requested by the division, the department, or its agents;

C. Contracts or agreements with owners or related parties;

D. Contracts with consultants;

E. Schedule detailing all grants, gifts, and income from endowments, including *[:]* amounts, restrictions, and use;

F. Documentation of expenditures, by line item, made under all restricted and unrestricted grants, gifts, or endowments;

G. Statement verifying the restrictions as specified by the donor, prior to donation, for all restricted grants;

H. Leases and/or rental agreements related to the activities of the provider;

I. Management contracts;

J. Provider of service contracts; and

K. Working trial balance used to prepare cost report with line number tracing notations or similar identifications.

8. Under no circumstances will the division accept amended cost reports for final settlement determination or adjustment after the date of the division's notification of the final settlement amount.

(B) Records.

1. Maintenance and availability of records.

A. A provider must keep records in accordance with GAAP and maintain sufficient internal control and documentation to satisfy audit requirements and other requirements of this regulation, including reasonable requests by the division or its authorized agent for additional information.

B. Adequate documentation for all line items on the cost report shall be maintained by a provider. Upon request, all original documentation and records must be made available for review by the division or its authorized agent at the same site at which the services were provided. Copies of documentation and records shall be submitted to the division or its authorized agent upon request.

C. Records of related organizations, as defined by 42 CFR 413.17, must be available upon demand.

D. The *[Missouri Division of Medical Services] MO HealthNet Division* shall retain all uniform cost reports submitted for a period of at least three (3) years following the date of submis-

sion of the reports and will maintain those reports pursuant to the record-keeping requirements of 42 CFR 413.20.

E. Each facility shall retain all financial information, data, and records relating to the operation and reimbursement of the facility for a period of not less than five (5) years.

2. Adequacy of records.

A. The division may suspend reimbursement or reduce payments to the appropriate fee schedule amounts if it determines that the provider-based RHC does not maintain records that provide an adequate basis to determine payments under *[Medicaid] MO HealthNet*.

B. The suspension or reduction continues until the provider-based RHC demonstrates to the division's satisfaction that it does, and will continue to, maintain adequate records.

(D) Change in Provider Status. The next payment due the provider, after the division has received the notification of the termination of participation in the *[Medicaid] MO HealthNet* program or change of ownership, may be held by the division until the cost report is filed. Upon receipt of a cost report prepared in accordance with this rule, the payments that were withheld will be released.

(6) Nonallowable Costs. Cost not related to provider-based RHC services shall not be included in a provider's costs. Nonallowable cost areas include, but are not limited to, the following:

(A) Bad debts, charity, and courtesy allowances;

(E) Attorney fees related to litigation involving state, local, or federal governmental entities and attorneys' fees that are not related to the provision of provider-based RHC services, such as litigation related to disputes between or among owners, operators, or administrators;

(G) Costs such as legal fees, accounting costs, administration costs, travel costs, and the costs of feasibility studies that are attributable to the negotiation or settlement of the sale or purchase of any capital asset by acquisition or merger for which any payment has been previously made under the program;

(L) Religious items or supplies or services of a primarily religious nature performed by priests, rabbis, ministers, or other similar types of professionals. Costs associated with portions of the physical plant used primarily for religious functions are also nonallowable;

(N) Salaries, wages, or fees paid to nonworking officers, employees, or consultants;

(P) Costs of services performed in a satellite clinic, which does not have a valid *[Medicaid] MO HealthNet* participation agreement with the Department of Social Services for the purpose of providing provider-based RHC services to *[Medicaid-eligible recipients] MO HealthNet-eligible participants*.

(7) Interim Payments.

(A) Hospital-Based RHCs. Provider-based RHC services that are an integral part of the hospital, unless otherwise limited by regulation, shall be reimbursed on an interim basis by *[Medicaid] MO HealthNet*, based on the clinic's usual and customary charges multiplied by the lower of one hundred percent (100%) or one hundred percent (100%) of the Hospital Based Rural Health Clinic's cost-to-charge ratio as determined *[by]* from the audited Medicare cost report. Interim payments shall be reduced by copayments and other third party liabilities.

(B) Skilled Nursing Facility-Based RHCs and Home Health Agency-Based RHCs. Provider-based RHC services that are an integral part of the skilled nursing facility or home health agency, unless otherwise limited by regulation, shall be reimbursed on an interim basis by *[Medicaid] MO HealthNet*, based on the clinic's usual and customary charges multiplied by the lower of the Medicare RHC rate or the rate approved by the *[Division of Medical Services] MO HealthNet Division*. Interim payments shall be reduced by copayments and other third party liabilities.

(C) A provider-based RHC in a MO HealthNet managed care region shall be eligible for supplemental reimbursement up to its

interim MO HealthNet payment percentage. This reimbursement shall make up the difference between the provider-based MO HealthNet payment percentage and total managed care health plan payments to the clinic for managed care participants for covered services rendered to MO HealthNet managed care participants during the reporting period. The supplemental reimbursement shall occur pursuant to the schedule agreed to by the division and the provider-based RHC but shall occur no less frequently than every four (4) months. Supplemental reimbursement shall be requested on forms provided by the division. Supplemental reimbursement for managed care charges shall be considered interim reimbursement of the provider-based RHC's MO HealthNet costs.

(9) Sanctions.

(B) Overpayments due the *[Medicaid]* MO HealthNet program from a provider shall be recovered by the division in accordance with 13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for Title XIX Services.

(10) Appeals. In accordance with sections 208.156 and 621.055, RSMo, providers may seek hearing before the Administrative Hearing Commission of final decisions of the director, Department of Social Services or the *[Division of Medical Services]* MO HealthNet Division.

(11) Payment Assurance.

(B) RHC services provided for those *[recipients]* participants having available Medicare benefits shall be reimbursed by *[Medicaid]* MO HealthNet to the extent of the coinsurance and deductible as imposed under Title XVIII.

(C) Where third-party payment is involved, *[Medicaid]* MO HealthNet will be the payer of last resort.

(D) Regardless of changes of ownership, management, control, or leasehold interests by whatever form for any RHC previously certified for participation in the *[Medicaid]* MO HealthNet program, the department will continue to make all the *[Medicaid]* MO HealthNet payments directly to the entity with the RHC's current provider number and hold the entity with the current provider number responsible for all *[Medicaid]* MO HealthNet liabilities.

(12) Payment in Full. Participation in the *[Medicaid]* MO HealthNet program shall be limited to providers who accept as payment in full, for covered services rendered to *[Medicaid recipients]* MO HealthNet participants, the amount paid in accordance with these regulations and applicable copayments.

AUTHORITY: section 208.201, RSMo [1994] Supp. 2007. Original rule filed June 30, 1995, effective Jan. 30, 1996. Amended: Filed May 14, 1999, effective Nov. 30, 1999. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the MO HealthNet Division at

615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 5—Examinations**

PROPOSED AMENDMENT

20 CSR 2030-5.080 Standards for [Admission to Examination] Licensure—Engineers. The board is proposing to amend the title of the rule, as well as amend sections (3) and (5), add a new section (4), and renumber the sections thereafter.

PURPOSE: This rule is being amended to allow those individuals who have earned an unaccredited graduate engineering degree from a United States school with an Engineering Accreditation Commission (EAC)/Accreditation Board for Engineering and Technology (ABET)-accredited undergraduate or graduate program in an equivalent discipline to be accepted for licensure and clarifies that any noted deficiencies in engineering courses must be made up with courses offered by an EAC/ABET-accredited degree program or equivalent.

(3) Foreign-educated applicants holding an engineering degree not accredited by ECPD, ABET, or its successor organizations will be required to submit a favorable evaluation report completed by *[the Engineering Credentials Evaluation International (ECEI) or by another]* an evaluation service acceptable by the professional engineering division of the board certifying equivalency to an ABET accredited degree. Applicants holding a United States of America (U.S.A.) engineering degree not accredited by ECPD, ABET, or its successor organizations will be required to have their educational degree program evaluated in order to determine whether or not it is equal to or exceeds the programs accredited by ECPD, ABET, or their successor organizations. The evaluation must be completed by an engineer(s) experienced in evaluating academic credentials selected by the professional engineering division or by an evaluation service acceptable by the professional engineering division of the board. The evaluator, by evaluation of transcripts and an official publication describing the engineering degree program of the institution, personal interview, by examination, or both in any other manner deemed suitable, shall make an evaluation as to whether the academic program completed by the applicant meets the minimum educational requirements established by section 327.221, RSMo. The evaluator shall recommend to the professional engineering division and report how any deficiencies can be corrected, listing prescribed educational areas to bring the applicant's academic qualifications up to the required minimum. **Deficiencies in engineering courses must be made up with courses offered by an EAC/ABET-accredited degree program or equivalent.** The report of the evaluator shall not be binding upon the division.

(4) An applicant who completes an engineering education program that is non-accredited and not deemed substantially equivalent and who then earns a graduate engineering degree from a United States school with an EAC/ABET-accredited undergraduate or graduate program in an equivalent discipline shall be accepted for the licensure process. The graduate degree should be treated as confirming the undergraduate degree giving the applicant equal standing with an applicant who has graduated from an EAC/ABET undergraduate engineering program. The degree earned in the graduate program validates the degree

earned in the non-accredited undergraduate program and would not then be applicable for experience credit.

[(4)](5) A degree in engineering technology does not meet the educational requirements of section 327.221, RSMo.

[(5)](6) Any applicant deemed by the professional engineering division under sections (3) or (4) of this rule to have completed an educational program which is equal to or exceeds those programs accredited by ECPD, ABET, or their successor organizations shall be required to have obtained the minimum engineering work experience as is required in section (1) of this rule. In all cases, the board will consider only that experience the applicant has obtained after satisfying the educational requirements of sections 327.221 and 327.241, RSMo.

[(6)](7) In evaluating the minimum engineering work experience required of all applicants, the professional engineering division shall grant maximum credit as follows:

(A) Engineering teaching at collegiate level (only advanced engineering subjects or courses related to advanced engineering at board-approved schools), assistant professor and higher—year-for-year;

(B) Master's degree in engineering—one (1) year for completion;

(C) Military service (commissioned only—normally this service is in a technical branch such as engineering, ordinance, civil work services (CWS), civil engineering corps (CEC), etc.): Generally year-for-year subject to evaluation;

(D) Construction (technical decision-making level), above average complexity, nonstandard design, or both involving field modification—year-for-year;

(E) Project planning including layout and twenty-five percent (25%) or more design—year-for-year;

(F) Research and development at the planning and decision-making level—year-for-year; and

(G) Engineering management and administration—year-for-year.

[(7)](8) Individual evaluation may result in less than full credit.

[(8)](9) In accordance with the authority conferred upon the board at section 327.241.6., RSMo, the board provides that any person, upon satisfactory showing of an urgent need, such as absence from the United States, economic hardship or professional necessity, and who has graduated from and holds an engineering degree from an accredited school of engineering, and has acquired at least three and one-half (3 1/2) years of satisfactory experience, and previously has been classified an engineer-in-training or engineer-intern by having successfully passed the first part of the examination, shall be eligible to take the second part of the examination and, upon passing, shall be entitled to receive a certificate of licensure to practice as a professional engineer subject, however, to other provisions of Chapter 327, RSMo, including having acquired four (4) years of satisfactory experience.

AUTHORITY: section[s] 327.041, RSMo Supp. [2004] 2007 and sections 327.221 and 327.241, RSMo 2000. This rule originally filed as 4 CSR 30-5.080. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 11, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities approximately eight thousand dollars (\$8,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, Missouri 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions, and Professional Registration
Division 2030 - Missouri Board for Architects, Professional Engineers, Professional Land
Chapter 5 - Examinations
Proposed Amendment - Standards for Licensure - Engineers
Prepared June 16, 2008 by Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities would likely be affected:	Estimated biennial cost savings with the amendment by affected entities:
20	Applicants for Initial Licensure (Evaluation Cost @ \$400)	\$8,000
Estimated Biennial Cost Savings for the Life of the Rule		\$8,000.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total savings will recur or the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

PROPOSED AMENDMENT

20 CSR 2030-11.015 Continuing Professional Competency for Professional Engineers. The board is proposing to add subsections (1)(E) and (6)(D).

PURPOSE: This rule is being amended to clarify the continuing professional competency requirement for new licensees and to limit the credit awarded to licensees attending or teaching a qualifying course to the first occurrence per renewal period.

(1) Purpose.

(E) A professional engineer who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure shall be required to complete the number of continuing education hours calculated by multiplying 1.25 and the number of full months they will be licensed before their first renewal.

(6) Credits. PDHs of credit for qualifying courses successfully completed that offer semester hour, quarter hour, or CEU credit is as specified in this rule. All other activities permit the earning of one (1) PDH of credit for each contact hour with the following exceptions:

(B) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings or conventions earn PDH credit at twice that of participants; *[and]*

(C) Five (5) PDHs are earned for a paper or article that is published in a nationally circulated technical journal or article. Credit cannot be claimed until that article or paper is actually published. *[; and]*

(D) Notwithstanding the provisions above, PDHs will only be awarded for the first occurrence of attending or teaching a qualifying course or seminar per every two (2) year renewal period.

AUTHORITY: section[s] 327.041, RSMo Supp. 2007 and section 327.261, RSMo 2000. This rule originally filed as 4 CSR 30-II.015. Original rule filed Nov. 1, 2001, effective June 30, 2002. Moved to 20 CSR 2030-11.015, effective Aug. 28, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007. Amended: Filed Feb. 22, 2008, effective Aug. 30, 2008. Amended: Filed Aug. 11, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, Missouri 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 11—Renewals**

PROPOSED AMENDMENT

20 CSR 2030-11.025 Continuing Education for Architects. The board is proposing to amend paragraph (4)(A)5.

PURPOSE: This rule is being amended to limit the credit awarded to licensees teaching a qualifying course to the first occurrence per renewal period.

(4) Activities.

(A) The following suggested list may be used by all licensed architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with architectural or engineering subjects, as appropriate, to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the National Council of Architectural Registration Boards, American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council or similar organizations devoted to architectural or engineering education may qualify;

3. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations, or system suppliers;

4. Contact hours spent in self-study courses sponsored by the National Council of Architectural Registration Boards, AIA, or similar organizations;

5. Three (3) units preparing for each class hour spent teaching architectural courses or seminars. **Credit is allowed for first occurrence of teaching course or seminar per two (2)-year renewal period.** College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in architectural research, which is published or formally presented to the profession or public;

7. College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards, or code study committees;

9. Contact hours spent in education tours of architecturally significant buildings, where the tour is sponsored by a college, university, or professional organization; or

10. A maximum of two (2) CEUs annually may be used for serving as a mentor or sponsor for the Intern Development Program (IDP).

AUTHORITY: section[s] 327.041, RSMo Supp. [2006] 2007 and sections 41.946 and 327.171, RSMo 2000. This rule originally filed as 4 CSR 30-II.025. Original rule filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2030-II.025, effective Aug. 28, 2006. Amended: Filed Oct. 16, 2006, effective April 30, 2007. Amended: Filed Aug. 11, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, Missouri 65102 or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.031 Meridian Therapy/Acupressure/Acupuncture. The board is proposing to amend section (3).

PURPOSE: This amendment reduces the number of hours of continuing education relating to certification in Meridian Therapy/Acupressure/Acupuncture (MTAA), replaces the annual continuing education for MTAA with a biennial deadline to correspond with licensure renewal, and allows certain formal continuing education categories to apply to the MTAA biennial hours upon approval by the board.

(3) In order to ensure that the public health and safety are protected and to maintain high standards of trust and confidence in the chiropractic profession and ensure the proper conduct of the chiropractic practice involving the use of Meridian Therapy, the requirements contained in this rule must be met prior to one engaging in therapeutic procedures or announcing the availability of therapeutic procedures to the public.

(C) Effective March 1, 2005, an applicant for certification in Meridian Therapy shall pass the examination for acupuncture administered by the National Board of Chiropractic[e] Examiners (N.B.C.E.) or an exam approved by the board.

(D) In order to maintain a valid certificate in Meridian Therapy, a licensee who holds a certificate at the time of making his/her license renewal must certify to the board that s/he has completed [annually/ biennially] a minimum of twelve (12) hours of [postgraduate training] continuing education, approved by the board, in Meridian Therapy. This continuing education shall apply toward attainment of the twelve (12) required hours of continuing education pursuant to 20 CSR 2070-2.080(5), the general studies category of continuing education.

1. Continuing education in the area of Meridian Therapy, acupuncture, and acupressure may also be submitted to the board for approval as formal continuing education hours. Hours approved for formal continuing education shall not apply to general study hours.

(E) If a licensee allows his/her certification to lapse, the certification may be reactivated up to three (3) years after it has lapsed upon the presentation to the board of twelve (12) hours of postgraduate study in Meridian Therapy, acupuncture, or acupressure [for each year the certification was inactive or a maximum of thirty-six (36) hours] prior to reinstatement of certification. The postgraduate study must be a course approved by the board.

AUTHORITY: sections 331.010, 331.030.5 and .8, and 331.050.1, RSMo Supp. 2007 and section 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.031. Original rule filed Jan. 5, 1987, effective April 11, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will save state agencies or political subdivisions approximately six hundred forty dollars and ninety-six cents (\$640.96) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately two hundred nineteen thousand, six hundred eighty-two dollars (\$219,682) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST	
Licensure Technician	\$23,796	\$35,429.86	\$17.03	\$0.28	15 minutes	\$4.26	\$127.75	
Executive I	\$35,952	\$53,528.93	\$25.74	\$0.53	30 minutes	\$15.92	\$477.51	
			Total Estimated Biennial Personal Service Cost Savings for the Life of the Rule					\$605.26

The number of items listed in the table reflect the decrease in the amount of expenses that that board will have due to the implementation of this amendment.

Expense and Equipment Dollars

Item	Cost Per Item	Number of Items	Total
Stationery	\$0.35	30	\$10.50
Postage for Review Packet	\$0.42	30	\$12.60
Postage for Provider Response	\$0.42	30	\$12.60
Total Estimated Biennial Expense and Equipment Cost Savings for the Life of the Rule			\$35.70

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute.
2. The fiscal impact is a cost savings to the state agency since Meridian Therapy/Acupressure/
Acupuncture continuing education providers will submit one application for board approval every two years, versus an annual application and corresponding cost. Additional cost savings accrue in the area of personnel since less time is needed to process fewer applications for continuing education approval.
3. It is anticipated that the total savings will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.031 Meridian Therapy/Acupressure/Acupuncture**

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost savings from compliance with the rule by affected entities:
544	Licenses Certified in Meridian Registration Fee @ \$175	\$95,200
544	Licenses Certified in Meridian Travel Expense @ \$228	\$124,032
30	Continuing Education Providers Application Fee @ \$15 (Average 3 segments at \$5 per segment)	\$450
Estimated Biennial Savings for the Life of the Rule		\$219,682

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The techniques used by licensees certified in Meridian Therapy/Acupressure/Acupuncture have not changed significantly for many years. In a 2008 survey of licensees, it was noted that because technique does not change over time, the need for twenty-four (24) hours of formal continuing education every two (2) years was cumbersome, repetitive, and did not contribute to the licensee's knowledge. In response to the survey results and board experience, the proposed amendment reduces formal continuing education in Meridian Therapy/Acupressure/Acupuncture to twelve (12) hours every two (2) years and completion corresponds with the biennial renewal cycle.

2. The proposed amendment also expands the applicability of Meridian Therapy/Acupressure/Acupuncture formal CE to accommodate seminar providers that are able to combine Meridian Therapy/Acupressure/Acupuncture continuing education hours with other categories as listed in 20 CSR 2070-2.080(3). For example, a four hour seminar on a case study/studies in acupuncture utilization could apply toward Meridian Therapy/Acupressure/Acupuncture formal hours or case study hours. The expansion of potential topics relating to Meridian Therapy/Acupressure/Acupuncture continuing education allows greater content latitude
3. Continuing education seminars are typically offered in twelve hour segments over two days. The average cost of a twelve hour seminar is \$175 based upon a review of the registration fees of two major seminar providers. Since the number of hours is being decreased from twenty-four (24) to twelve (12), there is a corresponding cost savings. Continuing education seminars are often held in major metro areas due to the concentration of licensees in those areas. While travel expenses vary based upon location, the estimated expense for attending a seminar in St. Louis is based upon CONUS guidelines for lodging and meals.
4. A \$5 fee is assessed for each segment of a continuing education seminar. Twelve (12) hour seminars can consist of three or four hour segments and the cost \$5 per segment. By submitting one application for the biennial cycle versus annually, the providers incur a savings.
5. The number of entities listed in the table reflect the decrease in the number of entities affected due to the implementation of this amendment.
6. Estimates regarding licensee savings are based upon the current number of Meridian Therapy/Acupressure/Acupuncture certified chiropractors subject to renewal in FY '09.
7. Estimates regarding provider savings revenue loss are based upon the average number of provider applications over the past two years.
8. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.080 Biennial License Renewal. The board is proposing to amend sections (1) through (3), (5), (6), (8), (9), and (12) through (14).

PURPOSE: This amendment serves to reduce the hours of continuing education required for senior practitioners, replaces the annual continuing education requirement with a biennial deadline to correspond with licensure renewal, eliminates the requirement for specific hours in specific categories, adds further categories for continuing education, clarifies how many biennial hours are required for licensure renewal, and outlines that the licensee must maintain continuing education documentation and corresponding audit requirements.

(1) A license shall be renewed biennially contingent upon the licensee completing the required *[annual]* hours of continuing education as defined in 20 CSR 2070-2.080(2):

(A) For the purpose of this regulation one (1) hour of continuing education shall consist of at least fifty (50) minutes of instruction or study; *[and]*

(B) A chiropractic physician issued a license within one (1) year of graduation from an approved chiropractic college shall be exempt from the continuing education requirements for the calendar year that the license was issued.; *and*

(C) A chiropractic physician at least sixty-five (65) years old and licensed in this state for at least thirty-five (35) years shall complete at least twenty-four (24) hours of formal continuing education biennially as defined in 20 CSR 2070-2.080(4). The remaining biennial hours of continuing education shall be waived.

(2) *[Each calendar year (January 1–December 31)]* Every two years (hereinafter referred to as biennially) and prior to the expiration date of a license a licensee shall complete *[twenty-four (24)]* **forty-eight (48)** hours of continuing education as defined in 20 CSR 2070-2.080(3) and (5). If a licensee is unable to complete the required *[annual]* **biennial** continuing education, the licensee may submit a written request to the board for an extension in order to comply with the continuing education requirement and shall pay the required late continuing education fee.

[[3] At least twelve (12) hours of the required twenty-four (24) hours of continuing education shall be earned by attending formal continuing education programs, seminars, and/or workshops that have been approved by the board in the following categories:

(A) Four (4) hours diagnostic imaging (Xray);

(B) Four (4) hours differential or physical diagnosis or both; and

(C) Four (4) hours of risk management. Continuing education in this category shall consist of formal programs, seminars, and/or workshops that have been approved by the board in any one or a combination of any of the following categories:

1. Boundary training;

2. Emergency procedures. Cardiopulmonary resuscitation (CPR) and/or first aid offered by the American Red Cross or other board approved sponsoring organization shall be acceptable as meeting the continuing education requirements for this category;

3. Human immunodeficiency (HIV), infectious diseases,

and/or universal precautions;

4. Cerebrovascular accident (CVA) and/or transient ischemic attack (TIA);

5. Disc injury;

6. Aggravated spinal conditions and/or injury;

7. Record keeping and/or Subjective Objective Assessment Plan (SOAP) notes;

8. Soft tissue injury; or

9. Case studies in chiropractic that consist of presentations relating to articles published in scholarly journals, treatises, or textbooks used by board approved Council of Chiropractic Education (CCE) colleges and/or universities and evidence-based and/or value-based studies.]

(3) At least twenty-four (24) hours of the required forty-eight (48) hours of continuing education shall be earned by attending formal continuing education programs, seminars, and/or workshops that have been approved by the board.

(A) A licensee shall obtain the required formal continuing education hours from no less than three (3) of the following formal categories:

1. Diagnostic imaging (X ray);

2. Differential or physical diagnosis or both;

3. Ethical practices. Continuing education courses acceptable for this area include topics such as professionalism, doctor-patient relationship, legal issues and responsibilities, confidentiality, and advertising;

4. Emergency procedures. Cardiopulmonary resuscitation (CPR) and/or first aid offered by the American Red Cross or other board-approved sponsoring organization shall be acceptable as meeting the continuing education requirements for this category;

5. Human immunodeficiency (HIV), infection diseases, and/or universal precautions;

6. Cerebrovascular accident (CVA) and/or transient ischemic attack (TIA);

7. Disc injury;

8. Aggravated spinal conditions and/or injury;

9. Record keeping and/or Subjective Objective Assessment Plan (SOAP) notes;

10. Soft tissue injury;

11. Nutrition;

12. Chiropractic principles and/or technique(s);

13. Health promotion and wellness;

14. Case studies in chiropractic that consist of presentations relating to articles published in scholarly journals, treatises, or textbooks used by board-approved Council of Chiropractic Education (CCE) colleges and/or universities and evidence-based and/or value-based studies;

15. Insurance consulting; or

16. Meridian Therapy/acupressure/acupuncture.

(5) The remaining continuing education hours *[shall]* **may** consist of general studies as follows:

(6) Chiropractic physicians who are faculty members at a CCE-accredited college may receive up to a maximum of *[twenty-four (24)]* **forty-eight (48)** hours *[per year]* **biennially** of continuing education credit for teaching or attending course(s) at a CCE-accredited chiropractic college:

(C) The *[twelve (12)]* **twenty-four (24)** biennial hours of general continuing education study may be obtained by teaching or attending course(s) relevant to chiropractic provided by a CCE-approved chiropractic college; and

(8) Chiropractic physicians who teach continuing education approved by the board may receive up to a maximum of *[twelve (12)]*

twenty-four (24) hours [per year] of continuing education credit for teaching courses in general subjects **biennially**.

(9) Chiropractic physicians certified by the board in Meridian Therapy/acupressure/acupuncture (MTAA) or insurance consulting who teach continuing education approved by the board may receive up to *[twelve (12)]* **twenty-four (24) hours [per year]** **biennially** of continuing education for teaching courses pursuant to 20 CSR 2070-2.031(3) MTAA or 20 CSR 2070-4.030(2) insurance consulting.

(12) For the license renewal the licensee shall verify the number of continuing education credits earned during the last two (2) immediately preceding continuing education reporting periods. **Effective March 1, 2009, the licensee shall verify the number of continuing education credits earned during the current biennial cycle** on the renewal form provided by the board. The renewal form shall be mailed directly to the board office on or before the expiration date of the license. The licensee shall not submit the actual record of continuing education attendance to the board except in the case of a board audit.

(13) Each licensee shall maintain full and complete records of all continuing education credits earned for the two (2) previous reporting periods in addition to the current reporting period. Formal continuing education credit hours shall be documented by the sponsor of the approved continuing education program and provided to the licensee within thirty (30) days from the date of the program. The licensee is responsible for maintaining that record of attendance as set forth in 20 CSR 2070-2.081/(6)/(2)(A)7. Continuing education credits earned through other continuing education experiences shall be documented by the licensee and such documentation shall contain, at a minimum, the number of hours earned, and these hours shall be separated in the various categories defined in *[section (4) of this rule]* **20 CSR-2070-2.080(3)(A)**. The board may conduct an audit of a licensee's **formal continuing education hours as defined in 20 CSR 2070-2.080(3)(A)** to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries. A response is considered timely if received in the board office within thirty (30) days of a written request by the board for such information.

(14) A licensee who cannot complete the requisite number of continuing education credits because of personal illness, military service, or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the *[December 31]* deadline for completion of the continuing education requirement. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the requisite hours of continuing education shall not engage in the active practice of chiropractic until the board grants the licensee's request for extension and the licensee receives express written authorization to do so.

AUTHORITY: *section[s] 331.050, RSMo Supp. [2006] 2007 and section 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.080. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 2008.*

PUBLIC COST: *This proposed amendment will save state agencies or political subdivisions approximately seven hundred sixty-nine dol-*

lars and ninety-eight cents (\$769.98) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: *This proposed amendment will save private entities approximately ninety-two dollars (\$92) biennially for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal**

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost Savings
Board of Chiropractic Examiners	\$769.98
Total Biennial Savings for the Life of the Rule	\$769.98

III. WORKSHEET

The Executive I mails the initial audit notifications, verifies compliance, mails compliance letters, and schedules non-compliant licensees for board appearance. The executive director reviews issues of non-compliance and requests for extension. The times listed in the table reflect the decrease in time that it will take for each employee to perform their duties.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TOTAL TIME	TOTAL COST
Executive Director	\$66,068	\$98,368.65	\$47.29	2 hours	\$94.59
Executive I	\$35,952	\$53,528.93	\$25.74	24 hours	\$617.64
Total Estimated Biennial Personal Service Cost Savings for the Life of the Rule					\$712.23

The number of items listed in the table reflect the decrease in the amount of expenses that that board will have due to the implementation of this amendment.

Expense and Equipment Dollars

Item	Cost Per Item	Number of Items	Total
Stationery	\$0.35	75	\$26.25
Postage	\$0.42	75	\$31.50
Total Estimated Biennial Expense and Equipment Cost Savings for the Life of the Rule			\$57.75

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute.
2. It is anticipated that the total cost savings will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal**

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated savings from compliance with the rule by affected entities:
75	Audit Candidates Postage @ \$0.42	\$32
75	Audit Candidates Copies @ \$0.80	\$60
Estimated Biennial Savings for the Life of the Rule		\$92

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The number of entities listed in the table reflect the decrease in the number of entities affected due to the implementation of this amendment.
2. The cost savings for both the public and private sector are related to the elimination of the annual audits replaced with one biennial audit.
3. It is anticipated that the total savings will recur over the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.081 Postgraduate Education. The board is proposing to amend section (1), add a new section (6), renumber the remaining sections, and amend the new section (8).

PURPOSE: This rule defines postgraduate education, sets out the requirements for sponsoring organizations, and explains procedures for inactive chiropractic physicians to obtain a semester of review prior to reactivation of a license.

(1) Postgraduate study as used in this rule and as used in section 331.050, RSMo, is defined as a *[program which provides instruction in, but not limited to, the following: general anatomy, physiology, general diagnosis, microbiology, hygiene and sanitation, X-ray and radiation protection, biochemistry, neurology, orthopedics, spinal anatomy, pathology, principles of chiropractic, chiropractic adjusting, risk management as defined in 20 CSR 2070-2.080(3)(C), and jurisprudence. The program must provide instruction on a level]* **course of study** designed to instruct individuals *[who are already]* licensed as chiropractic physicians in Missouri. The term postgraduate study may be used interchangeably with the terms continuing education and postgraduate education.

(6) A continuing education program addressing a topic or combination of topics pursuant to 20 CSR 2070-2.080(3) shall be taught by an instructor with a doctor of chiropractic degree and expertise in the subject matter to be presented.

(A) Instructors for continuing education programs addressing a topic, or combination of topics, pursuant to 20 CSR 2070-2.080(3) that do not have a doctor of chiropractic degree shall document training and expertise in the subject matter to be presented. Such documentation shall include:

1. Undergraduate or graduate course work verified with a transcript; and/or
2. Work experience, seminars, workshops, or training verified with a resume or vitae.

(B) Continuing education sponsored totally or in part by a distributor, product line, or company or demonstrating, promoting, or endorsing a product or service must utilize instructors in compliance with 20 CSR 2070-2.080(6). The subject matter of the continuing education must address the diagnosis and treatment of conditions as authorized by section 331.010.1, RSMo. Product information shall not be the primary focus relating to diagnosis and/or treatment and shall be presented only as an adjunct to the course material.

[(6)](7) Any postgraduate program offered for license renewal must carry the following disclaimer: "Approval of this course is not an acknowledgement or ruling by the board that the methods taught in this course are recognized and approved by the board as the appropriate practice of chiropractic as defined in section 331.010, RSMo." This disclaimer shall be on all brochures and handouts or on a separate piece of paper distributed at each program.

[(7)](8) All postgraduate education sponsors shall provide each licensee with a certificate verifying his/her attendance at an approved postgraduate education seminar. The certificate shall be provided to the licensee by the sponsor within thirty (30) days from the date of the licensee's attendance at the seminar and it shall contain, at a minimum, the following information:

(A) Name, address, and telephone number of the sponsoring organization;

(B) Name, address, and license number of the licensee in attendance at the approved seminar;

(C) Course approval number which will be provided to the sponsor at the time the sponsor is notified by the board of its approval of the seminar;

(D) Title, date(s), and location of the seminar; and

(E) The total number of hours that the licensee was in attendance at the seminar. These hours must be reflected *[within the following categories:] according to the categories defined in 20 CSR 2070-2.080(3).*

- 1. General chiropractic education;*
- 2. Diagnostic imaging;*
- 3. Differential or physical diagnosis;*
- 4. Emergency procedures or boundary training; and*
- 5. Human Immunodeficiency Virus (HIV) or infectious diseases.]*

AUTHORITY: section[s] 331.050, RSMo Supp. [2006] 2007 and section 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.081. Original rule filed April 16, 1990, effective June 30, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2070—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2070-2.090 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment deletes the fee to renew the insurance consultant certification and increases the fee for failure to complete the required continuing education prior to the expiration date of the license.

(1) The following fees hereby are established by the State Board of Chiropractic Examiners:

*[(N)] Insurance Consultant Renewal Fee \$100/
[(O)](N) Fingerprinting Fee*

*(amount determined by the
Missouri State Highway Patrol)*

*[(P)](O) Continuing Education Sponsor Fee
(per session) \$ 5
[(Q)](P) Annual Continuing Education Sponsor Fee \$500**
[(R)](Q) Continuing Education Late Fee \$ /50/150
[(S)](R) Bad Check Fee \$ 25*

[(T)](S) Temporary License Fee	\$100
[(U)](T) Renewal Temporary License	\$ 25
[(V)](U) Specialty Certification Review Fee	\$150
[(W)](V) Specialist Certification Application Fee	\$100

AUTHORITY: section[s] 43.543, RSMo Supp. [2006] 2007 and sections 331.070 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.090. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions approximately three thousand seven hundred dollars (\$3,700) biennially for the life of the rule. It is anticipated that the increased revenue will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately three thousand seven hundred dollars (\$3,700) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2070 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Amendment - 20 CSR 2070-2.090 Fees

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Increase in Revenue For the Life of the Rule
Board of Chiropractic Examiners	\$3,700.00

III. WORKSHEET

The division is statutorily obligated to enforce and administer the provisions of sections 324.520-324.526, RSMo. Pursuant to Section 324.522, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.520-324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520-324.526, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total increase in revenue for the board.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.090 Fees**

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
33	Insurance Consultant (Renewal Fee - \$100 decrease)	(\$3,300)
70	Chiropractors (Late Fee - \$100 increase)	\$7,000
Estimated Biennial Cost of Compliance for the Life of the Rule		\$3,700

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY05 through FY07 actuals.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 324.520-324.526, RSMo. Pursuant to Section 324.522, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.520-324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520-324.526, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2070—State Board of Chiropractic Examiners
Chapter 4—Chiropractic Insurance Consultant**

PROPOSED AMENDMENT

20 CSR 2070-4.030 Renewal and Postgraduate Education. The board is proposing to amend section (2).

PURPOSE: This amendment reduces the number of hours of continuing education required for certification in insurance consulting, replaces annual continuing education with a biennial deadline to correspond with the licensure renewal, and allows for other formal continuing education categories that encompass aspects of insurance consulting to apply to the biennial continuing education hours upon approval by the board.

(2) To renew the certification, the chiropractic insurance consultant *[annually]* **biennially** shall obtain twelve (12) hours of postgraduate education in insurance consulting approved by the board. *[This postgraduate education shall be in compliance with 20 CSR 2070-2.080(4) for the general studies category of continuing education required to renew the consultant's chiropractic license.]* **This continuing education shall apply toward attainment of the twelve (12) required hours of continuing education pursuant to 20 CSR 2070-2.080(5), the general studies category of continuing education.**

(A) Continuing education in the area of insurance consulting may also be submitted to the board for approval as formal continuing education hours. Hours approved for formal continuing education shall not apply to general study hours.

AUTHORITY: sections 331.060, 331.100.2, and 376.423, RSMo 2000 and section 331.050, RSMo Supp. [2006] 2007. This rule originally filed as 4 CSR 70-4.030. Original rule filed Feb. 15, 1991, effective July 8, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities approximately thirteen thousand three hundred forty-four dollars (\$13,344) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at chiropractic@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - State Board of Chiropractic Examiners****Chapter 4 - Chiropractic Insurance Consultant****Proposed Amendment - 20 CSR 2070-4.030 Renewal and Postgraduate Education**

Prepared July 22, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated savings from compliance with the rule by affected entities:
33	Licenseses Certified in Insurance Consulting Registration Fee @ \$175	\$5,775
33	Licenseses Certified in Insurance Consulting Travel Expense @ \$228	\$7,524
3	Continuing Education Providers Application Fee @ \$15 (Average 3 segments at \$5 per segment)	\$45
Estimated Biennial Savings for the Life of the Rule		\$13,344

III. WORKSHEET

See table above.

IV. ASSUMPTION

1.

In a 2008 survey of licensees, it was noted that because core information does not change over time, the need for twenty-four (24) hours of formal continuing education in insurance consulting annually was cumbersome, repetitive and did not contribute to the licensee's knowledge. Also, given the limited number of licensees certified in insurance consulting (33), seminar providers experience a difficult time in filling a continuing education class every year. Finally, coding and reimbursement are two main areas that are updated because of insurance or Medicare reimbursement. Considering these factors, the proposed amendment replaces the annual continuing education with twelve (12) hours of formal continuing education every two years and due prior to the expiration date of the license.

2.

This proposed amendment expands the applicability of insurance consulting formal continuing education to accommodate seminar providers that are able to combine insurance consulting continuing education hours with other categories as listed in 20 CSR 2070-2.080(3). For example, a four hour seminar on record keeping could apply toward insurance consulting formal hours since the review of a licensee's records is part of the insurance consultant's duties. The expansion of potential topics within insurance consulting continuing education allows greater content latitude for providers and licensees.

3.

Continuing education seminars are typically offered in twelve hour segments over two days. The average cost of a twelve hour seminar is \$175 based upon a review of the registration fees of two major seminar providers. Since the number of hours is being decreased from twenty-four (24) to twelve (12), there is a corresponding cost savings. Continuing education seminars are often held in major metro areas due to the concentration of licensees in those areas. While travel expenses vary based upon location, the estimated expense for attending a seminar in St. Louis is based upon CONUS guidelines for lodging and meals.

4 The number of entities listed in the table reflect the decrease in the number of entities affected due to the implementation of this amendment.

5 It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and
Branding
Chapter 2—Licensing Requirements**

PROPOSED RESCISSION

20 CSR 2267-2.020 Fees. This rule established and fixed various fees and charges authorized by section 324.522, RSMo.

PURPOSE: This rule is being rescinded and readopted to set fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275, RSMo.

AUTHORITY: section 324.522, RSMo Supp. 2005. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2267-2.020, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Jan. 30, 2007. Rescinded: Filed Aug. 15, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of Tattooing, Body Piercing, and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2267—Office of Tattooing, Body Piercing, and
Branding
Chapter 2—Licensing Requirements**

PROPOSED RULE

20 CSR 2267-2.020 Fees

PURPOSE: This rule establishes and fixes various fees and charges authorized by section 324.522, RSMo.

(1) The operator of a tattoo, body piercing, or branding establishment shall pay a biennial license fee to the office as follows:

- | | |
|------------------------------------|-------|
| (A) Establishment fee | \$100 |
| (B) Combined establishment | \$200 |
| (C) Establishment renewal | \$100 |
| (D) Combined establishment renewal | \$200 |

(2) The operator of a temporary tattoo, body piercing, and/or branding establishment shall pay a fee to the division as follows:

- | | |
|---|-------|
| (A) Temporary establishment (per event) | \$100 |
| (B) Combined temporary (per event) | \$100 |

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay a biennial fee to the division as follows:

- | | |
|------------------|-------|
| (A) Practitioner | \$ 30 |
|------------------|-------|

- | | |
|---------------------------------------|-------|
| (B) Renewal for practitioner | \$ 30 |
| (C) Combined practitioner | \$ 40 |
| (D) Renewal for combined practitioner | \$ 40 |

(4) Additional Fees:

- | | |
|---------------------------|-------|
| (A) Duplicate license fee | \$ 5 |
| (B) Bad check fee | \$ 25 |

AUTHORITY: section 324.522, RSMo Supp. 2007. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2267-2.020, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Jan. 30, 2007. Rescinded and readopted: Filed Aug. 15, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eighty-one thousand nine hundred fifty dollars (\$81,950) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately eighty-one thousand nine hundred fifty dollars (\$81,950) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Tattooing, Body Piercing, and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489 or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2267 - Office of Tattooing, Body Piercing and Branding

Chapter 2 - Licensing Requirements

Proposed Rule - 20 CSR 2267-2.020 Fees

Prepared March 24, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Revenue	
Office of Tattooing, Branding & Body Piercing		\$81,950.00
	Total Revenue Biennially for the Life of the Rule	\$81,950.00

III. WORKSHEET

The board estimates the projections calculated in the Private Entity Fiscal Notes will be total revenue for the board.

IV. ASSUMPTION

1. The division is statutorily obligated to enforce and administer the provisions of sections 324.240-324.275, RSMo. Pursuant to Section 324.245.(5), RSMo, the division shall by rule and regulation set all applicable fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2267 - Office of Tattooing, Body Piercing and Branding****Chapter 2 - Licensing Requirements****Proposed Rule - 20 CSR 2267-2.020 Fees**

Prepared July 23, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the rule by affected entities:
45	Establishments (License Fee @ \$100)	\$4,500
95	Establishments (Renewal @ \$100)	\$9,500
50	Combined Tattoo, Body Piercing or Branding Establishment (License Fee @ \$200)	\$10,000
120	Combined Tattoo, Body Piercing and/or Branding Establishment (Renewal Fee @ \$200)	\$24,000
1	Temporary Establishment (Per Event) (Application Fee @ \$100)	\$100
5	Temporary Combined Tattoo, Body Piercing and/or Branding Establishment (Per Event) (Application Fee @ \$100)	\$500
230	Practitioner (Application Fee @ \$30)	\$6,900
600	Practitioner (Renewal Fee @ \$30)	\$18,000
60	Combined Practitioner (Application Fee @ \$40)	\$2,400
150	Combined Practitioner (Renewal Fee @ \$40)	\$6,000
10	Duplicate License (Fee @ \$5)	\$50
0	Bad Check (Fee @ \$25)	\$0
Estimated Biennial Cost of Compliance for the Life of the Rule		\$81,950

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY07 actuals and FY08 projections.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 324.240-324.275, RSMo. Pursuant to Section 324.245.(5), RSMo, the division shall by rule and regulation set all applicable fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo, from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2008–2009 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2008–2009 seasons.

(3) Seasons and limits are as follows:

(F) Ducks and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 25, 2008 through December 23, 2008 in the North Zone (that portion of Missouri north of a line running

west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to the Kansas border); from November 27, 2008 through January 25, 2009 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border); and from November 1, 2008 through December 30, 2008 in the Middle Zone (remainder of Missouri). Ducks and coots may be taken by youth hunters fifteen (15) years of age or younger from one-half (1/2) hour before sunrise to sunset from October 18, 2008 through October 19, 2008 in the North Zone, from October 25, 2008 through October 26, 2008 in the Middle Zone and from November 22, 2008 through November 23, 2008 in the South Zone. Youth hunters must be accompanied by an adult eighteen (18) years of age or older who cannot hunt ducks. Adults must be licensed (i.e. possess any permit that allows small game hunting) unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.

2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), one (1) scaup, three (3) wood ducks, three (3) mottled ducks, one (1) black duck, two (2) redheads, two (2) hooded mergansers, and one (1) pintail. The canvasback season is closed. The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), two (2) scaup, six (6) wood ducks, six (6) mottled ducks, two (2) black ducks, four (4) redheads, four (4) hooded mergansers, and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 25, 2008 through January 30, 2009, statewide.

2. White-fronted geese may be taken from November 22, 2008 through January 30, 2009, statewide.

3. Canada geese and brant may be taken from September 27, 2008 through October 5, 2008, and November 22, 2008 through January 30, 2009, statewide.

4. The daily bag limit is twenty (20) blue, snow, or Ross's geese, one (1) brant and two (2) white-fronted geese, statewide. The possession limit for brant is two (2) and for white-fronted geese is four (4), and there is no possession limit for blue, snow, and Ross's geese.

5. The daily bag limit is three (3) Canada geese from September 27, 2008 through October 5, 2008 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 27, 2008 through October 5, 2008, and four (4) Canada geese thereafter.

6. Geese and brant may be taken by youth hunters in the North Zone from October 18, 2008 through October 19, 2008, in the Middle Zone from October 25, 2008 through October 26, 2008, and in the South Zone from November 22, 2008 through November 23, 2008. The daily bag limit is twenty (20) blue, snow, and Ross's geese, two (2) white-fronted geese, one (1) brant, and two (2) Canada geese. The possession limit for brant is two (2) and for white-fronted geese is four (4), and for Canada geese is four (4), and there is no possession limit for blue, snow, and Ross's geese.

7. Zones: The North Zone shall be that portion of the state north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate

Hwy. 70; west on Interstate Hwy. 70 to the Kansas border. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border. The Middle Zone shall be the remainder of Missouri.

(I) The hunting season for blue, snow and Ross's geese closes on January 30, 2009, in order to implement a light goose Conservation Order.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow, and Ross's geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from January 31, 2009 through April 30, 2009. Any other regulation notwithstanding, methods for the taking of blue, snow, and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this Code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect January 31 through April 30, 2009.

SUMMARY OF PUBLIC COMMENT: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 6, 2008, effective **September 1, 2008**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2008-2009 to conform to federal frameworks.

3 CSR 10-9.442 Falconry

PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2008-2009 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreusable mark provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers, and coots may be taken from sunrise to sunset from September 6 through September 21, statewide, and from one-half hour before sunrise to sunset as follows: in the North Zone, October 18 through October 19, October 25 through December 23, and February 10 through March 10; in the Middle Zone, October 25 through October 26, November 1 through December 30, and February 10 through March 10; and, in the South Zone, November 22 through November 23, November 27 through January 25, and February 10 through March 10. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed August 6, 2008, effective **September 1, 2008**.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2007, the board adopts a rule as follows:

5 CSR 80-800.285 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2008 (33 MoReg 974-975). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received fifty-eight (58) letters of comment on the proposed rule.

COMMENT #1: Educators submitted thirteen (13) comments suggesting that a temporary certificate of license to teach be granted instead of the initial professional certificate.

RESPONSE: The board considered the response and noted that the statute requires the issuance of a professional certificate.

COMMENT #2: Educators submitted thirty-three (33) comments stating that the student contact hours are insufficient.

RESPONSE: The board considered the response and noted that the contact with students prior to certification is minimal; however, it meets the statutory requirement.

COMMENT #3: Educators submitted six (6) comments stating that the proposed rule does not require the passage of the Praxis II content area test.

RESPONSE: The board considered the response and noted that the licensure through American Board for Certification of Teacher Excellence (ABCTE) does require passing a high-stakes test that is similar to the Praxis II test.

COMMENT #4: Educators submitted fifty (50) comments concerning section (2) of the proposed rule and the lack of requiring additional coursework prior to the applicant receiving full licensure.

RESPONSE: The board considered the response and noted that during the first four (4) years of licensure that newly licensed educators are required to complete thirty (30) clock hours of professional development.

COMMENT #5: Educators submitted thirty-three (33) comments concerning section (2) of the proposed rule and requested the removal of the option for ABCTE-provided mentoring.

RESPONSE: The board considered the response and noted that, while the rule does not explicitly state it, mentoring must meet Missouri standards, whether provided by ABCTE or locally.

COMMENT #6: Educators submitted forty-eight (48) comments requesting annual performance-based evaluations.

RESPONSE AND EXPLANATION OF CHANGE: The board considered the response and has changed the wording to reflect wording used for all other certificate holders in subsection (2)(E).

5 CSR 80-800.285 Application for Certificates of License to Teach on the Basis of Certification by the American Board for Certification of Teacher Excellence (ABCTE)

(2) Upon completion of the requirements listed in section (1) of this rule and completion of the requirements listed herein, an applicant shall be eligible to apply for a career continuous professional certificate:

(E) Participate in the district's Performance-Based Teacher Evaluations (PBTEs); and

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 4—Income Withholding**

ORDER OF RULEMAKING

By the authority vested in the Family Support Division under section 454.400, RSMo 2000, the division rescinds a rule as follows:

13 CSR 30-4.010 Interstate Income Withholding Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1078). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 45—Hearing Aid Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-45.010 Hearing Aid Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 789-790). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 82—General Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under Executive Order 77-9 of the governor filed Jan. 31, 1979, effective Sept. 28, 1979 and sections 198.018, 198.076, 198.079, and 198.073, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-82.010 General Licensure Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 790-792). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, commented that the proposed change to subsection (1)(C) is too confusing. Mr. Tettlebaum proposed a revision to clarify the requirements for supplementing an application and to delete the phrase "including but not limited to" from the proposed amendment. RESPONSE: The department believes the proposed language is clear as written and that the phrase "including but not limited to" is necessary in order to encompass other changes not enumerated that may affect issuance of a license. No changes have been made to this rule as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 83—Definition of Terms**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 198.009, RSMo 2000, and section 198.073, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-83.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 792-793). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, commented that there was no definition for the term "involuntary seclusion" which was used in 19 CSR 30-88.010. RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has inserted the definition of "involuntary seclusion" to this rule and renumbered throughout.

19 CSR 30-83.010 Definition of Terms

(25) Involuntary seclusion—Shall mean separation of a resident from other residents or from her/his room or confinement to her/his room (with or without roommates) against the resident's will, or the will of the resident's legal representative. Emergency or short term monitored separation from other residents will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the resident's needs.

(26) Keeping residents in place—Shall mean maintaining residents in place during a fire in lieu of evacuation where a building's occupants are not capable of evacuation, where evacuation has a low likelihood of success, or where it is recommended in writing by local fire officials as having a better likelihood of success and/or lower risk of injury.

(27) Level I medication aide—Shall mean an individual who has completed a course approved by the department in medication administration in a residential care facility or assisted living facility.

(28) Long-term care facility—Shall mean a facility that is licensed either solely or in combination as a skilled nursing facility, an intermediate care facility, a residential care facility, or assisted living facility.

(29) Long-term care services—Shall mean the assistance and support that a resident receives in a residential care facility, assisted living facility, intermediate care facility, and skilled nursing care facility, to meet the resident's individual need for nursing care, protective oversight, monitoring, medication management, social interactions, cooking, housekeeping, laundry, and recreational activities.

(30) Major fraction thereof—Shall mean anything over fifty percent (50%) of the number of occupied beds.

(31) Major remodeling—Shall mean any remodeling of a long-term care facility which involves the addition of resident-use rooms, which affects fire safety or the structure of the building.

(32) Multistory building—Shall mean any building with more than one (1) floor entirely above the grade. A floor that is partially below grade will be counted as the first story to determine sprinkler requirements only if it contains resident sleeping rooms.

(33) New or newly licensed facility—Shall mean a long-term care facility whose plans are approved or which is licensed after June 10, 1981 for a skilled nursing or intermediate care facility or after November 13, 1980 for residential care facility or assisted living facility except as otherwise indicated in 19 CSR 30-86.012, 19 CSR 30-86.022, and 19 CSR 30-86.032.

(34) Nursing personnel—Shall include any employee, including a nurse's aide or an orderly, who provides or assists in the provision of direct resident health care services.

(35) Operator—Shall mean any person licensed or required to be licensed under the provisions of sections 198.003–198.096, RSMo, in order to establish, conduct, or maintain a facility. The term person required to be licensed shall mean any person having the following, as determined by the department:

(A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility;

(B) Ultimate financial control of the operation of a facility; and

(C) Legal right to possession of the premises on which a facility is located.

(36) Person—Shall mean any individual, or any entity, including, but not limited to, a corporation, limited liability company, partnership, association, nonprofit organization, fraternal organization, church, or political subdivision of the state of Missouri.

(37) Physical restraint—Shall mean any manual method or physical or mechanical device, material or equipment attached to or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Physical restraints include, but are not limited to, leg restraints, arm restraints, hand mitts, soft ties or vests, lap cushions, and lap trays the resident cannot remove easily. Physical restraints also include facility practices that meet the definition of a restraint, such as the following:

(A) Using side rails that keep a resident from voluntarily getting out of bed;

(B) Tucking in or using Velcro to hold a sheet, fabric, or clothing tightly so that a resident's movement is restricted;

(C) Using devices in conjunction with a chair, such as trays, tables, bars, or belts, that the resident cannot remove easily, that prevent the resident from rising;

(D) Placing the resident in a chair that prevents a resident from rising; and

(E) Placing a chair or bed so close to a wall that the wall prevents the resident from rising out of the chair or voluntarily getting out of bed.

(38) Physician—Shall mean an individual licensed to practice medicine in the state of Missouri under Chapter 334, RSMo.

(39) Premises—Shall mean any structures that are in close proximity one to the other and which are located on a single piece of property.

(40) Protective oversight—Shall mean an awareness twenty-four (24) hours a day of the location of a resident, the ability to intervene on behalf of the resident, supervision of nutrition, medication, or actual provisions of care, and the responsibility for the welfare of the resident, except where the resident is on voluntary leave.

(41) Qualified dietitian—Shall mean an individual who is registered by the American Dietetic Association or who is eligible for registration.

(42) Qualified therapist—Shall mean an individual who is either registered or is eligible for registration by the national accrediting association for that therapy or, if applicable, is licensed by the state of Missouri for the practice of the profession in which s/he is engaged.

(43) Qualified therapy assistant—Shall mean an individual who would be qualified as an occupational therapy or physical therapist assistant as outlined in 42 CFR 484.4.

(44) Residential care facility (RCF)—Shall mean any premises, other than an assisted living facility, intermediate care facility, or skilled nursing facility, which is utilized by its owner, operator, or manager to provide twenty-four (24) hour care to three (3) or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility and who need or are provided with shelter, board, and with protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation, except that, for purposes of eligible residents of facilities formerly licensed as residential care facilities II receiving supplemental welfare assistance payments, any residential care facility that was licensed as a residential care facility II on or before August 27, 2006 that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006 shall be considered a residential care facility II for purposes of its eligible residents receiving the cash grant payment amount allocated immediately prior to August

28, 2006 for residents of a residential care facility II pursuant to section 208.030, RSMo.

(45) Responsible party—Shall mean an individual who has been designated in writing by the resident to handle matters and receive reports related to his/her general condition.

(46) Self-administration of medication—Shall mean the act of actually taking or applying medication to oneself.

(47) Self-control of medication—Shall mean assuming immediate responsibility by a resident for the storage and administration of medication for oneself while the facility retains ultimate control of medication.

(48) Skilled nursing care—Shall mean services furnished pursuant to physicians' orders which require the skills of licensed nurses and which are provided directly by or under the on-site supervision of these personnel. Examples of skilled nursing care may include, but are not limited to: administration of levine tube or gastrostomy tube feedings; nasopharyngeal and tracheotomy aspiration; insertion of medicated or sterile irrigation solutions and replacement of catheters; administration of parenteral fluids; inhalation therapy treatments; administration of other treatments requiring aseptic technique; and administration of injectable medication other than insulin.

(49) Skilled nursing facility—Shall mean any premises, other than a residential care facility, assisted living facility, or an intermediate care facility, which is utilized by its owner, operator, or manager to provide for twenty-four (24) hour accommodation, board and skilled nursing care and treatment services to at least three (3) residents who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility. Skilled nursing care and treatment services are those services commonly performed by or under the supervision of a registered professional nurse for individuals requiring twenty-four (24) hours a day care by licensed nursing personnel including acts of observation, care, and counsel of the aged, ill, injured, or infirm, the administration of medications and treatments as prescribed by a licensed physician or dentist, and other nursing functions requiring substantial specialized judgment and skill.

(50) Social model of care—means long-term care services based on the abilities, desires, and functional needs of the individual delivered in a setting that is more home-like than institutional, that promote the dignity, individuality, privacy, independence, and autonomy of the individual, that respects residents' differences and promotes residents' choices.

(51) Voluntary leave—Shall mean an off-premises leave initiated by: a) a resident that has not been declared mentally incompetent or incapacitated by a court; or b) a legal guardian of a resident that has been declared mentally incompetent or incapacitated by a court.

(52) Vulnerable person—Shall mean any person in the custody, care, or control of the Department of Mental Health that is receiving services from an operated, funded, licensed, or certified program.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 84—Training Program for Nursing Assistants

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 198.079, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-84.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 793-798). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received six (6) comments on the proposed amendment.

COMMENT #1: Gavin Allen, with the Missouri Department of Elementary and Secondary Education, Division of Career Education, commented that the certificates mentioned in paragraph (8)(A)2. are no longer issued, and the Division of Career Education does not issue teaching certificates. Mr. Allen requested removal of the term "short-term instructor approval certificate." Also Mr. Allen requested to change the title of the certificate to "Certified Medication Technician teaching certificate."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has removed the term "short-term instructor approval certificate" and inserted "Certified Medication Technician teaching certificate."

COMMENT #2: Gavin Allen, with the Missouri Department of Elementary and Secondary Education (DESE), Division of Career Education, commented that the phrase "area vocational school" in subsection (1)(C) should be changed to "area career centers."

RESPONSE AND EXPLANATION OF CHANGE: The department has determined that several agencies continue to utilize the title "area vocational school;" therefore, it should not be changed. The department believes that in subsection (1)(C) "area career centers" should be added, because there are agencies who utilize this title.

COMMENT #3: Mary Stassi, with the St. Charles Community College, commented on grammatical changes in the amendment purpose, paragraphs (5)(D)1. and 5., and subsection (9)(A). Ms. Stassi indicates that the information should reflect multiple applications instead of a single application. Ms. Stassi commented on the addition of the word "Medication" in paragraph (5)(D)5.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended paragraphs (5)(D)1. and 5. and subsection (9)(A).

COMMENT #4: Mary Stassi, with the St. Charles Community College, commented that in subsection (9)(C), there is no process for registered nurses to be approved as "clinical supervisors." Ms Stassi suggest deleting the phrase "provide the names of the RNs approved as clinical supervisors" in subsection (9)(C).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended subsection (9)(C).

COMMENT #5: Mary Stassi, with the St. Charles Community College, commented on a grammatical change in subsection (7)(B). Ms. Stassi indicates that the information should reflect multiple applications instead of a single application.

RESPONSE: The department believes that the intent in subsection (7)(B) is to address the entire act of medication administration, not the individual applications. No changes have been made to this rule as a result of this comment.

COMMENT #6: Mary Stassi, with the St. Charles Community College, commented that the "Certified Medication Technician" and "Instructor's Guide" manuals in subsections (5)(A) and (B) should be updated to represent the 2008 version.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has amended subsections (5)(A) and (B).

19 CSR 30-84.020 Certified Medication Technician Training Program

(1) Definitions. For the purpose of this rule the following definitions shall apply.

(C) Educational training agency—an area vocational-technical school, an area career center, a comprehensive high school, a community college, or an approved four (4)-year institution of higher learning that is approved by the department to conduct the Certified Medication Technician (CMT) Course. A long-term care facility cannot be a training agency.

(5) The course shall consist of at least sixty (60) classroom hours of instruction taught by a department-approved CMT instructor or examiner (instructor/examiner). The course shall include an additional minimum eight (8) hours of clinical practice conducted in a licensed ICF or SNF under the direct supervision of the CMT instructor/examiner or under the direct supervision of an RN employed by the cooperating agency and designated by the educational training agency in section (9) of this rule. The instructor/examiner or the RN employed by the cooperating agency may require the student to complete more than the minimum eight (8) hours of clinical practice based on each student's mastery of course content. A final written examination and a minimum two (2)-hour final practicum examination must be conducted in an ICF/SNF.

(A) For all courses beginning on or after the effective date of this rule, the student manual and course developed by the Department of Elementary and Secondary Education and the Missouri Center for Career Education at University of Central Missouri as outlined in the manual entitled *Certified Medication Technician*, (Revised 2008), incorporated by reference in this rule and available by Internet at: www.cmttest.org shall be considered the approved course curriculum. This rule does not incorporate any subsequent amendments or additions.

(B) For all courses beginning on or after the effective date of this rule, the approved course curriculum instructor's guide shall be the companion *Instructor's Guide*, (Revised 2008), incorporated by reference in this rule, and accessed by Internet: www.cmttest.org. This rule does not incorporate any subsequent amendments or additions.

(D) The curriculum content shall include procedures and instructions in the following areas:

1. Basic review of body systems and medication effects on each;
2. Medical terminology;
3. Infection control;
4. Medication classifications;
5. Medication dosages, measurements, and forms;
6. Acquisition, storage, and security;
7. Problems of observations in medication therapy; and
8. Administration by oral, rectal, vaginal, otic, ophthalmic, nasal, skin, topical, transdermal patches, and oral metered dose inhaler.

(8) CMT Course Examiner Qualification Requirements.

(A) In order to qualify as an instructor, examiner, or both, the individual:

1. Shall be currently licensed to practice as an RN in Missouri or shall have a temporary permit from the Missouri State Board of Nursing. The instructor/examiner shall not be the subject of current disciplinary action, such as probation, suspension, or revocation of license;
2. Shall hold a current Certified Medication Technician teaching certificate from the Department of Elementary and Secondary Education, Division of Career Education;
3. Shall complete an instructor/examiner program workshop and be listed as a qualified CMT instructor/examiner on the department's Instructor/Examiner Registry;
4. Shall sign an agreement with the department to protect and keep secure the final examination and the PIN used to electronically access the Instructor Guide/Test Bank;

5. May be an employee of the ICF/SNF in which training is conducted, but the ICF/SNF must have a cooperative agreement with an educational training agency;

6. Shall teach the course or facilitate the challenge examination only as permitted by the educational training agency; and

7. May be assisted by pharmacists as guest instructors in the areas of medication systems, regulations governing medications, medication actions, adverse reactions, medication interactions, and medication errors.

(9) Educational Training Agencies.

(A) The following entities are eligible to apply to the department's Health Education Unit to be an approved educational training agency: vocational-technical schools, comprehensive high schools, community colleges or approved four (4)-year institutions of higher learning.

(C) A school requesting approval to teach the CMT Training Course or facilitate challenging the examination shall file an application with the department's Health Education Unit giving the names of the instructors and listing the equipment and classroom space that will be used and shall provide a copy of an agreement with the cooperating agency where the course, clinical practice, or final practicum examination of the program will be conducted and provide the names of the RNs supervising the clinical observation. Educational training agencies shall be approved for a two (2)-year period and shall submit a new application thirty (30) days prior to the expiration date.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 84—Training Program for Nursing Assistants**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2007, the department withdraws an amendment as follows:

19 CSR 30-84.030 Level I Medication Aide is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 798-811). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: A Joint Committee on Administrative Rules (JCAR) hearing on this proposed amendment was held on August 11, 2008, and the public comment period ended May 16, 2008. The department received thirty-two (32) comments on the proposed amendment. Most of the comments were against the proposed amendment.

RESPONSE: The Joint Committee on Administrative Rules voted to disapprove the proposed amendment. As a result of the comments and the JCAR hearing, the department wishes to withdraw this proposed amendment at this time.

COMMENT #1: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the definition of the term "Certifying agency" in subsection (1)(A) should not include the phrase "other entity."

RESPONSE: The department believes that the proposed definition in subsection (1)(A) is in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #2: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the definition of the term "Educational training

agency” in subsection (1)(C) is inconsistent with information in subsection (16)(B).

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #3: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the definition of the term “Group home” in subsection (1)(D) should reference the *Code of State Regulations* number instead of the definition.

RESPONSE: The department believes that the proposed definition in subsection (1)(D) is in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #4: Rebecca Carson, with the Division of Comprehensive Psychiatric Services, commented that the definition of the term “Group home” in subsections (1)(D) and (13)(A) should include references to residential care facilities operated by the Department of Mental Health.

RESPONSE: The department believes that the proposed definition in subsections (1)(D) and (13)(A) is in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #5: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the definition of the term “Long term care association” in subsection (1)(E) should include the term “or their successor organization.”

RESPONSE: The department believes that the proposed definition in subsection (1)(E) is in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #6: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the title “Missouri registered nurse present” should be revised to be “Registered nurse licensed by the state of Missouri which meets the qualifications of subsection,” the definition of “Missouri registered nurse presenter” in subsection (1)(F) should be revised.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #7: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the definition of “Simulated classroom situation” in subsection (1)(G) should be “Simulated training setting.”

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #8: Rebecca Farley, with New Horizons Community Support Services, commented that the minimum requirements in the “Clinical Competency” are different than the simulated training requirements.

RESPONSE: The minimum requirements for the simulated training in subsection (1)(G) do not contradict the Clinical Competency form, because the topic of simulation is not addressed on the form. The form matches the training program requirements. Further, the form is not referenced in this rule and therefore will not be revised. However, due to other comments received against the proposed

amendment, the department is withdrawing this proposed amendment.

COMMENT #9: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term “unusual” should be reinserted in section (4).

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #10: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, Jhan Hurn, with Community Support Services, and John Foley, with The Arc of the Ozarks, commented that the term “access” should be inserted in section (7).

RESPONSE: The department believes that students are to be provided a manual that is their choice to keep, not just to lend the student a copy; they may want it in the future for reference. Each student should have a copy of the manual. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #11: Rebecca Farley, with New Horizons Community Support Services, commented that the information in the course manual is outdated.

RESPONSE: The department has determined that the manual is not being addressed in this proposed amendment. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #12: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the Department of Mental Health’s “medication aide certificate” and “letters of endorsement” should be inserted in paragraph (9)(B)2.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #13: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, and Rebecca Farley, with New Horizons Community Support Services, commented that the phrase “Train the Trainer Workshop Instructor” in section (10) needs to be defined.

RESPONSE: The department believes that the “Train the Trainer Workshop Instructor” qualifications are determined by the department. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #14: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that, in section (11), the two (2)-year disqualification requirement for a level I medication aide course instructor with a censured license was excessive.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #15: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term “LTC association” should be reinserted in subsection (13)(A).

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #16: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that, in subsection (13)(B), the requirement for the "Social Security" number should be replaced with the "nursing license" number.

RESPONSE: The department has determined that the Social Security number in subsection (13)(B) is required. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #17: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term "Classroom" in subsection (13)(C) should be replaced.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #18: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that in subsection (13)(D) the term "educational training" should be inserted.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #19: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that in subsection (13)(E) the term "clinical" should be removed.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #20: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the proposed language in section (14) should be removed.

RESPONSE: The department believes that the proposed language in section (14) is in accordance with department standards. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #21: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the proposed language in paragraph (14)(A)1. should include the phrase "objectives using a test created by the instructor."

RESPONSE: The department has determined that a standardized test format will be developed in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #22: The department agrees and has reinserted the requirement to return the "test booklet" in paragraphs (15)(A)1. and (15)(B)1. The form referenced in paragraphs (15)(A)1. and 2. and the "transcript" referenced in paragraph (15)(A)3. are the same document and the references have been corrected to use the correct name of the form, which is "Score Sheet for Level I Medication Aide Examination." In paragraph (15)(A)2. the word "individual" has been replaced with "student" in order to address the comment's concern with consistency. Paragraph (15)(B)1. has been rewritten to clarify the certifying agencies' responsibilities and address the "notice of successful completion" comment.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #23: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the phrase "since last submission" should be inserted in paragraph (15)(B)2.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #24: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the phrase "through the education training agency" should be inserted in subsection (16)(D) and separate the phrase "provide the department with the names of those receiving certificates" into another letter category.

RESPONSE: The department disagrees with the addition of the phrase "through the education training agency" in subsection (16)(D). As a result, it was the department's decision to withdraw this proposed amendment. The department agrees with separating the phrase "Provide the department with the names of those receiving certificates." However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #25: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term "Database accessible online by all certifying agencies and educational training agencies" should be inserted in subsection (18)(A) to allow for online access.

RESPONSE: The department has determined that the current database does not have the technical capabilities to integrate into a public online database. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #26: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that, in subsection (18)(B) of the proposed amendment, "Any individual seeking employment in an RCF of ALF as a level I medication aide must be certified as a level I medication aide and listed in the department's level I medication aide database" exceeds the scope of the rule. Ms. Hock and Mr. Conway believe that this proposed amendment should be deleted.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #27: Mary Sullivan-Thomas, with Community Opportunities, Jhan Hurn, with Community Support Services, John Foley, with Arc of the Ozarks, Todd Rodemeyer, with Division of Mental Retardation and Developmental Disabilities, Lisa Denish, with Hannibal Regional Center, and Karla Jones, with Fink & Associates Inc., commented that the Department of Mental Health (DMH) level of care entitled "Individualized Supported Living" (ISL) should be included as a level 1 medication aide practice site.

RESPONSE: The department has reviewed the "ISL" and has determined that the definition is too vague, and the ISL does not have a licensure category with specific rules and regulations to guide the operation of the services. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #28: Lisa Denish, with Hannibal Regional Center, commented that the requirement to contact the department to verify an individual's certificate status in subsection (18)(C) is unnecessary.

RESPONSE: The department believes that the proposed language in subsection (18)(C) is in accordance with department standards. However, due to other comments received against the proposed

amendment, the department is withdrawing this proposed amendment.

COMMENT #29: Rebecca Carson, with the Division of Comprehensive Psychiatric Services, commented that the department should add new sections that are specific to Department of Mental Health (DMH).

RESPONSE: The department believes that the proposed amendment contains the language that is in accordance with department standards. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #30: Todd Rodemeyer, with Division of Mental Retardation and Developmental Disabilities, commented that the cost estimate is inaccurate because students in ISL programs who participate will have to purchase their own manuals.

RESPONSE: The private cost estimate was calculated to incorporate two hundred ninety (290) DMH group homes. The department has determined that due to lack of licensure requirements, limitations on individuals who participate in the ISL program, and the relative flexibility of ISL operations and functions, this program has not been included as a practice site for the level 1 medication aide certification. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #31: Margy Mangini and Shari Whelan, with Division of Mental Retardation and Developmental Disabilities, commented that the terms "certified or operated" should be inserted to represent DMH participation in the proposed amendment.

RESPONSE: The department believes that this language has been addressed in the DMH statutes and regulations. The department specializes in licensing of facilities and the terms "certified or operated" are specific to DMH. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #32: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, Mary Sullivan-Thomas, with Community Opportunities, Jhan Hurn, with Community Support Services, John Foley, with Arc of the Ozarks, Todd Rodemeyer, with Division of Mental Retardation and Developmental Disabilities, Lisa Denish, with Hannibal Regional Center, and Karla Jones, with Fink & Associates Inc., commented that the term "serving a minimum of six (6)" should be removed throughout the rule.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #33: Department staff commented that subsection (1)(F) contains the redundant phrase "as an instructor."

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #34: Jorgen Schlemeier, a representative for Missouri Assisted Living Association (MALA), commented at the hearing that the revised "Level I Medication Aide Manual" was not available for public review during the public comment period, the cost of the manual was not reflected in the fiscal note, and there would be an increase in training hours. Also, Mr. Schlemeier commented that the department did not respond to eleven (11) of the agencies' comments.

RESPONSE: The department responded that the manual was available for review at the Department of Health and Senior Services (DHSS) headquarters.

The department responded that section 536.021.2(3), RSMo, provides "A proposed rule may incorporate by reference only if the

material so incorporated is retained at the headquarters of the state agency and made available to any interested person at a cost not to exceed the actual cost of the reproduction of a copy." DHSS has had a copy of the manual available for review since it was published in 2002, but did not receive any such requests.

The department responded that some training requirements will be changed based on the updated manual. However, it is the department's belief that the change in requirements will require some adjustments by the instructors rather than a substantial increase in training time. The requirement for a minimum of sixteen (16) training hours has not changed. Also, the department indicated nine (9) comments were missed and was an inadvertent oversight.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 85—Intermediate Care and Skilled Nursing
Facility**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.074 and 198.079, RSMo Supp. 2007, the department withdraws an amendment as follows:

19 CSR 30-85.022 Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 812-817). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: A Joint Committee on Administrative Rules (JCAR) hearing on this proposed amendment was held August 11, 2008, and the public comment period ended May 16, 2008. The department received sixteen (16) comments on the proposed amendment. Most of the comments were against the proposed amendment.

RESPONSE: The Joint Committee on Administrative Rules voted to disapprove the proposed amendment. As a result of the comments and the JCAR hearing, the department wishes to withdraw this proposed amendment at this time.

COMMENT #1: Kevin Notz, with the Missouri Division of Fire Safety, commented that the definition in subsection (1)(B) for complete fire alarm system was unclear.

RESPONSE: Section 198.074.7(1), RSMo Supp. 2007, provides the definition for a complete fire alarm system. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #2: Denise Clemonds, with the Missouri Association of Homes for the Aging, and Kevin Notz, with the Missouri Division of Fire Safety, requested revisions to clarify the smoke detector spacing requirements in subsection (10)(A) and the addition of the terms "dispatching agency, or central monitoring company" as agencies that can receive automatic transmission of a fire alarm.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #3: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that in subsection (1)(C) the definition of "Major Renovation" contains the phrase "Addition of any room that is accessed by residents." Ms. Clemonds has indicated that the phrase is an unreasonable standard.

RESPONSE: Section 198.074.1, RSMo Supp. 2007, authorizes the department to define and approve major renovations. The definition

of “major renovation” to include “addition of any room that is accessed by residents” is reasonable to promote resident safety in terms of fire prevention and also in evacuating residents and extinguishing fires. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #4: Kevin Notz, with the Missouri Division of Fire Safety, commented that the definition of “Hazardous area” should be removed from current rule 19 CSR 30-83.010(20) and placed in this proposed amendment.

RESPONSE: The department has determined that the “Hazardous area” definition is in the current rule, and it is not necessary to move and/or duplicate the definition in this proposed amendment. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #5: Kevin Notz, with the Missouri Division of Fire Safety, commented that, when the department receives notice of a fire, they should contact the state fire marshal’s office.

RESPONSE: The department has determined that this comment will be addressed in a memorandum of understanding between the department and the state fire marshal. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #6: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add carbon monoxide regulations to the proposed amendment.

RESPONSE: The department has determined that this comment will be addressed in upcoming rule sessions. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #7: Kevin Notz, with the Missouri Division of Fire Safety, commented that in section (4) the department should add the following phrase “When the sprinkler option is chosen, the areas shall be separated from other spaces by smoke-resisting partitions and doors. The doors shall be self-closing or automatic closing.”

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #8: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should delete the reference in paragraph (8)(C)1. to 19 CSR 30-83.010(20) since the definition should be included in the rule.

RESPONSE: The department has determined that the “Hazardous area” definition is in the current rule, and it is not necessary to move and/or duplicate the definition in this proposed amendment. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #9: Kevin Notz, with the Missouri Division of Fire Safety, commented that the reference to the term “Chapter 33” in paragraph (11)(B)2. was incorrect.

RESPONSE: The department has determined that the reference in paragraph (11)(B)2. is in accordance with statutory language. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #10: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that in section (12) local fire departments and fire protection districts should be authorized to do fire safety certifications.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #11: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that her association strongly supports the proposed changes in section (31).

RESPONSE: The department would like to thank the Missouri Association of Homes for the Aging for their support. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #12: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the department should add the term “if applicable” in paragraph (33)(B)1.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #13: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that, in subsection (34)(A), the six (6)-month requirement for fire safety training of new employees is unreasonable and needs to be returned to the annual requirement.

RESPONSE: The department believes that six (6) months is a reasonable standard for fire safety training. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #14: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the department should add the term “if applicable” in paragraph (34)(B)3.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #15: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, Jon Dolan with Missouri Health Care Association, and Don Gard, an independent life safety code consultant, commented that the proposed rule definition of a “Complete Fire Alarm System” would create a substantial cost to facilities which was not reflected in the fiscal note. Also, the proposed amendment would create dual track enforcement between the state fire marshal and Department of Health and Senior Services.

RESPONSE: The state fire marshal responded by indicating that their interpretation of a complete fire alarm system was based on guidelines established in the National Fire Protection Association (NFPA) 72, 1999 manual. The department responded by indicating that sections 536.200 and 536.205, RSMo, require agencies to estimate the cost of compliance with the proposed rule or amendment, not the cost of the legislation which the proposed rule or amendment implements. This information is contained in sections 536.200 and 536.205, RSMo, and Op. Atty. Gen. No. 21-92, Wagner, April 6, 1992. The cost to install the sprinklers pursuant to NFPA 72 is a cost associated with the legislation, not the rule implementing the legislation. The cost of implementing the legislation was addressed in the fiscal note prepared pursuant to section 23.140, RSMo, initial definition of complete fire alarm system. The department responded that while rules promulgation authority remains with DHSS, House Bills 952 and 674 clearly authorizes the state fire marshal to enforce the fire safety requirements contained in section 198.074.9, RSMo, which reads in part “The provisions of this section shall be enforced by the state fire marshal . . .”

COMMENT #16: Terry Allen, a representative for Missouri Association of Homes for the Aging (MoAHA), and Larry Rohrbach, with MoAHA, commented that the definition of “Major Renovation,” in particular the phrase “any room assessed by residents,” was too vague, and the department does not have the statutory authority to

deny a facility a sprinkler system exception if they meet the statutory requirements for an exception.

RESPONSE: The department responded that section 198.074.1, RSMo, mandates facilities completing a major renovation (as defined and approved by the department) to install an NFPA 13 commercial system. In accordance with sections 198.009, 198.076(10), and 198.079(9), RSMo, 19 CSR 30-85.012(1), (2), and (3), and 19 CSR 30-86.012(2) and (3), the department is authorized to review and approve all additions to licensed facilities. The department agreed to change the definition to "Addition of any room(s), accessible by residents, that either exceeds 50% of the total square footage of the facility or exceeds forty-five hundred square feet." Also, the department agreed to change the proposed amendment language to allow facilities that meet the sprinkler system requirements the ability to obtain an exception. However, the Joint Committee on Administrative Rules voted to disapprove the proposed amendment; as a result, the department is withdrawing this rulemaking.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 85—Intermediate Care and Skilled Nursing
Facility**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 198.079, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-85.032 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 817-819). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) comments on the proposed amendment.

COMMENT #1: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that her association strongly supports the proposed changes in section (27).

RESPONSE: The department would like to thank the Missouri Association of Homes for the Aging for their support.

COMMENT #2: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the proposed language in subsection (31)(A) allows the department to determine if the current electrical wiring in a facility is safe for residents. The association requests that the department add the term "through consultation with an electrical engineer."

RESPONSE: The department's staff are trained and qualified to make these determinations. No changes have been made to this rule as a result of this comment.

COMMENT #3: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the requirement in subsection (31)(B) for an electrical inspection should be returned to every two (2) years instead of every year as proposed in the amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has reinstated the term "Every two (2) years" in subsection (31)(B).

COMMENT #4: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the proposed language in sub-

section (48)(B) is an attempt to regulate an adult day care program in a facility.

RESPONSE: The language being commented on is already in section (2) of the current rule and is merely being moved to new section (48). These provisions regulate the facility, not the adult day care, and are intended to protect the health, safety, and welfare of facility residents.

**19 CSR 30-85.032 Physical Plant Requirements for New and
Existing Intermediate Care and Skilled Nursing Facilities**

(31) Electrical Wiring Requirements.

(B) Every two (2) years, a qualified electrician will be required to certify in writing that the electrical system is being maintained and operated in accordance with the standards outlined by the NFPA 70, 1999 edition or the earlier NFPA 70 edition with which the facility was complying prior to the effective date of this rule. II/III

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-86.012 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 819-820). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the department should reinstate the existing language and class determinations in section (24) because Assisted Living Facilities (ALF) have additional requirements for evacuation.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that Assisted Living Facilities have different resident care and evacuation standards and has revised the proposed language in section (24) to make the section applicable only to residential care facilities.

COMMENT #2: Wm. H. "Bill" Stouffer, with the Missouri Senate, commented that the proposed amendment in section (24) would force residential care facilities to purchase new visual or tactile alarm systems.

RESPONSE: The department believes that section 198.074.7(1), RSMo, requires facilities to have a fire alarm system that would include horns and strobes. The facility has the option to add additional tactile devices to the fire alarm panel. No changes have been made as a result of this comment.

**19 CSR 30-86.012 Construction Standards for Assisted Living
Facilities and Residential Care Facilities**

(24) Residential care facilities that accept deaf residents, shall have appropriate assistive devices to enable each deaf person to negotiate

a path to safety, including, but not limited to, visual or tactile alarm systems. II/III

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073, 198.074, and 198.076, RSMo Supp. 2007, the department withdraws an amendment as follows:

19 CSR 30-86.022 Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 820–827). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: A Joint Committee on Administrative Rules (JCAR) hearing on this proposed amendment was held August 11, 2008, and the public comment period ended May 16, 2008. The department received thirty-one (31) comments on the proposed amendment. Most of the comments were against the proposed amendment.

RESPONSE: The Joint Committee on Administrative Rules voted to disapprove the proposed amendment. As a result of the comments and the JCAR hearing, the department wishes to withdraw this proposed amendment at this time.

COMMENT #1: Kevin Notz, with the Missouri Division of Fire Safety, commented that the definition in subsection (1)(B) for a complete fire alarm system was unclear.

RESPONSE: Section 198.074.7(1), RSMo, provides the definition for a complete fire alarm system. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #2: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the proposed language in subsection (9)(A) should include the terms “dispatching agency, or central monitoring company.”

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #3: Denise Clemonds, with the Missouri Association of Homes for the Aging, and Kevin Notz, with the Missouri Division of Fire Safety, commented that the smoke detector spacing requirements in subsection (9)(A) were unclear.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #4: Kevin Notz, with the Missouri Division of Fire Safety, commented that the definition of “Hazardous area” should be placed in the proposed amendment.

RESPONSE: The department has determined that the “Hazardous area” definition is in current rule. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #5: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should add carbon monoxide regulations to the proposed amendment.

RESPONSE: The department has determined that this comment shall be addressed in upcoming rule sessions. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #6: Kevin Notz, with the Missouri Division of Fire Safety, commented that the department should delete a rule reference in paragraph (8)(C)1. and insert a reference to “Hazardous area” as mentioned in COMMENT #4.

RESPONSE: The department has determined that the “Hazardous area” definition is in current rule. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #7: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, and Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the definition of “Major Renovation” should be deleted and/or remove the “Addition of any room that is accessed by resident” sentence.

RESPONSE: Section 198.074.1, RSMo, authorizes the department to define and approve major renovations. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #8: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the proposed language in subsection (2)(A) which allows the department to determine if the facility is following the appropriate fire safety manuals exceeds their scope of authority.

RESPONSE: Section 198.076, RSMo, authorizes the department to promulgate reasonable rules regarding the requirements for resident safety in residential care facilities and assisted living facilities. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #9: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the proposed language in subsection (2)(B) be deleted and the current language in subsection (2)(D) be used. If this is not possible, they request replacing “immediately” with “timely.”

RESPONSE: Section 198.076(3), RSMo, authorizes the department to promulgate reasonable rules regarding the requirements for notification of a fire. The department believes that fire safety standards should include the immediate notification of any fire regardless of potential outcomes. The term “timely” is too vague and can be subjective which may result in various resident and/or fire safety concerns. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #10: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the classification in subsection (2)(B) was incorrect and should match ICF/SNF standards.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department’s decision to withdraw this proposed amendment.

COMMENT #11: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, and Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the term “surrounding grounds” in subsection (2)(B) should be deleted or defined.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #12: Kevin Notz, with the Missouri Division of Fire Safety, commented that when the department receives notice of a fire they should contact the state fire marshal's office.

RESPONSE: The department believes that this comment shall be addressed in the memorandum of understanding between the department and the state fire marshal. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #13: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the twenty-four (24)-hour time frame in subsection (2)(C) for a fire watch after the discovery of a fire should read as "for an appropriate period of time."

RESPONSE: The department believes that the proposed language is too vague and could lead to potential problems, as the term "appropriate" is subjective. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #14: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the term "facility structure" in subsection (2)(C) needs to be defined.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #15: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that in subsection (5)(A) obtaining consultation and assistance in review of the facilities' emergency plans could take considerable time. Ms. Hock and Mr. Conway believe that the term "immediately" should be deleted and replaced with "reasonable time."

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #16: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the term "if applicable" should be added in paragraph (5)(B)1.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #17: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term "if necessary" should be inserted at the end of paragraph (5)(B)7.

RESPONSE: The department believes that the intent is to assure that the plan includes instructions to call for emergency services. The instructions may provide guidance to staff to determine if a call for emergency services is necessary. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #18: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the term "coded message" in subsection (5)(E) needs to be defined.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #19: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, and Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the six (6)-month requirement for fire safety training of new employees is unreasonable and should return to annual.

RESPONSE: The department believes that six (6) months is a reasonable standard for new employee fire safety training. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #20: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the department should add the term "if applicable" in paragraph (6)(B)3.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #21: Kerri Hock, with the Missouri Assisted Living Association, and Ronald Conway, with Colonial Retirement Center, commented that the phrase "Approved qualified service representative" in subsection (9)(B) is not defined in rule and there is no indication as to who "approves" the qualified service representative.

RESPONSE: The department has determined that the National Fire Protection Agency (NFPA) 72, 1999 is the approval authority. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #22: Kerri Hock, with the Missouri Assisted Living Association, Ronald Conway, with Colonial Retirement Center, and Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the term "as applicable" should be added to subsection (9)(C).

RESPONSE: The department believes that the intent of the regulation is to address the facilities that require any of the fire alarm devices. If a facility is not required to have any of the devices listed in this rule, then this rule does not apply. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #23: Kerri Hock, with the Missouri Assisted Living Association, commented that in subsection (9)(G) the requirement for notification to the department should be removed, and that notification of a fire to the local authority should be sufficient.

RESPONSE: Section 198.076(3), RSMo, requires the notification of fires and fire watches be sent to the department. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #24: Kevin Notz, with the Missouri Division of Fire Safety, commented that in subsection (10)(A) the department should add the following phrase "When the sprinkler option is chosen, the areas shall be separated from other spaces by smoke-resisting partitions and doors. The doors shall be self-closing or automatic closing."

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #25: Kevin Notz, with the Missouri Division of Fire Safety, commented in subsection (10)(G) that the department should delete the term "sprinkler system" as it is not acceptable to control electromagnetic hold open devices.

RESPONSE: The department received numerous comments expressing concerns regarding this proposed amendment. As a result, it was the department's decision to withdraw this proposed amendment.

COMMENT #26: Kerri Hock, with the Missouri Assisted Living Association, and Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that in subsection (11)(C) the department's option to grant an exception exceeds the statutory authority.

RESPONSE: The department believes that use of the word "may" means the department is permitted to grant exceptions to sprinkler requirements if the facility meets the requirements of Chapter 33, RSMo. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #27: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that in subsection (11)(C) the department's use of the term "licensed for more than twenty (20) beds" exceeds statutory authority.

RESPONSE: The department believes that it is logical and rational to equate number of residents with number of licensed beds. The number of residents in a facility can fluctuate from day to day. Given the substantial capital investment required to install a complete sprinkler system, facilities would want some certainty to apply to the issue of whether a system is required. Further, if the suggested change were made, if the department were to find that a facility licensed for more than twenty (20) beds had at least twenty-one (21) residents and no sprinkler system, the department would cite the facility for violating the sprinkler system requirement. In a worst-case scenario, the facility might try to correct the deficiency by discharging a resident; once the deficiency was corrected, the facility could admit the same resident or another, starting the cycle of noncompliance over again. This would allow the facility to avoid the intent of the legislation by creating a never-ending cycle of citations and corrections without having to install a complete sprinkler system. It is not in the interest of facility residents, the department, or facilities themselves to foster such uncertainty. A mechanism exists for facilities that do not expect to ever have more than twenty (20) residents: licensed capacity may be decreased as provided in 19 CSR 30-82.010. If the facility decided to increase its licensed capacity thereafter, it could do so; however, at that time, the facility would have to have a complete sprinkler system by December 31, 2012 or qualify for the exception provided in this rule. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #28: Kerri Hock, with the Missouri Assisted Living Association, asked who has the authority to approve the "Qualified service representative" in subsection (11)(F)?

RESPONSE: The department has determined that the National Fire Protection Agency (NFPA) 25, 1998 is the approval authority. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #29: Kerri Hock, with the Missouri Assisted Living Association, commented that in subsection (11)(G) the requirement for notification to the department that a sprinkler system has been out of service and a fire watch has been instituted is unnecessary and requested replacement of the term "department" with "fire department."

RESPONSE: Section 198.076(3), RSMo, requires the department to receive notification of a fire watch. The proposed amendment requires the implementation of an approved fire watch if a sprinkler system is or has been out of service for a specific time frame, which has been established in this amendment. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #30: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, Jon Dolan, with Missouri Health Care Association, and

Don Gard, an independent life safety code consultant, commented that the proposed amendment definition of a "Complete Fire Alarm System" would create a substantial cost to facilities which was not reflected in the fiscal note. Also, the proposed amendment would create dual track enforcement between the state fire marshal and the Department of Health and Senior Services.

RESPONSE: The state fire marshal responded by indicating that their interpretation of a complete fire alarm system was based on guidelines established in the National Fire Protection Association (NFPA) 72, 1999 manual. The department responded that sections 536.200 and 536.205, RSMo, require agencies to estimate the cost of compliance with the proposed rule or amendment, not the cost of the legislation which the proposed rule or amendment implements. This information is contained in section 536.200 and 536.205, RSMo, and Op. Atty. Gen. No. 21-92, Wagner, April 6, 1992. The cost to install the sprinklers pursuant to NFPA 72 is a cost associated with the legislation, not the rule implementing the legislation. The cost of implementing the legislation was addressed in the fiscal note prepared pursuant to section 23.140, RSMo, initial definition of complete fire alarm system. The department responded that while rule promulgation authority remains with the department, House Bills 952 and 674 clearly authorizes the state fire marshal to enforce the fire safety requirements contained in section 198.074.9, RSMo, which reads in part "The provisions of this section shall be enforced by the state fire marshal. . ."

COMMENT #31: Terry Allen, a representative for Missouri Association of Homes for the Aging (MoAHA), and Larry Rohrbach, with MoAHA, commented that the definition of "Major Renovation," in particular the phrase "any room assessed by residents," was too vague, that the department does not have the statutory authority to deny a facility a sprinkler system exception if they meet the statutory requirements, and that the proposed amendment contains the phrase "licensed for more than twenty (20) beds" which is not consistent with statutory requirements.

RESPONSE: The department responded that section 198.074.1, RSMo, mandates facilities completing a major renovation (as defined and approved by the department) to install an NFPA 13 commercial system. In accordance with sections 198.009, 198.076(10), 198.079(9), RSMo, and 19 CSR 30-85.012(1), (2), and (3), and 19 CSR 30-86.012(2) and (3), the department is authorized to review and approve all additions to licensed facilities. The department agreed to change the definition to "Addition of any room(s), accessible by residents, that either exceeds 50% of the total square footage of the facility or exceeds forty-five hundred square feet." Also, the department agreed to change the proposed amendment language to allow facilities that meet the sprinkler system requirements the ability to obtain an exception.

The department responded that it is logical and appropriate to equate "number of residents" as used in section 198.074.4, RSMo, with number of licensed beds. The number of residents in a facility can fluctuate from day to day. Given the substantial capital investment required to install a complete sprinkler system, facilities would want some certainty regarding where a sprinkler system is required. Further, if the number of residents were used as the criterion, and if the department were to find that a facility licensed for more than twenty (20) beds had at least twenty-one (21) residents and no sprinkler system, the department would be required to cite the facility for violating the sprinkler system requirement. In a worst-case scenario, the facility might try to correct the deficiency by discharging a resident; once the deficiency was corrected, the facility could admit the same resident or another, starting the cycle of noncompliance over again. This would allow the facility to avoid the intent of the legislation by creating a never-ending cycle of citations and corrections without having to install a complete sprinkler system. It is not in the interest of facility residents, the department, or facilities themselves to foster such uncertainty.

The Joint Committee on Administrative Rules voted to disapprove

the proposed rule; as a result, the department is withdrawing this rulemaking.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2007, the department withdraws an amendment as follows:

19 CSR 30-86.032 Physical Plant Requirements for Residential Care Facilities and Assisted Living Facilities **is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 827-829). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: Denise Clemonds, with the Missouri Association of Homes for the Aging, commented that the requirement in subsection (15)(B) for an electrical inspection should be returned to every two (2) years instead of every year as proposed in the amendment.

RESPONSE: The department agrees and has reinstated the term "Every two (2) years." However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

COMMENT #2: Denise Clemonds, with the Missouri Association of Homes for the Aging, and Kerri Hock, with the Missouri Assisted Living Association, commented that the proposed language in subsection (36)(B) is an attempt to regulate an adult day care program in a facility.

RESPONSE: The language being commented on is already in subsection (3)(B) of the current rule and is merely being moved to new subsection (36)(B). These provisions regulate the facility, not the adult day care, and are intended to protect the health, safety, and welfare of facility residents. However, due to other comments received against the proposed amendment, the department is withdrawing this proposed amendment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-86.045 Standards and Requirements for Assisted Living Facilities Which Provide Services to Residents with a Physical, Cognitive, or Other Impairment that Prevents the Individual from Safely Evacuating the Facility with Minimal Assistance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 829-830). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure
Chapter 86—Residential Care Facilities and Assisted
Living Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.073 and 198.076, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-86.047 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 830-835). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT #1: Susan McCann, with the department's Bureau of Narcotics and Dangerous Drugs, commented that the proposed changes to section (14) address controlled substance medications included in emergency kits. The original text addressed controlled substance medications that are being administered in the facility. Ms. McCann believes that the department should reinstate the original text to address the overall administration of controlled substance medications in a facility.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has reinstated the original text in section (14).

19 CSR 30-86.047 Administrative, Personnel and Resident Care Requirements for Assisted Living Facilities

(14) A facility shall not employ, as an agent or employee who has access to controlled substances, any person who has been found guilty or entered a plea of guilty or *nolo contendere* in a criminal prosecution under the laws of any state or of the United States for any offense related to controlled substances. II

(A) A facility may apply in writing to the department for a waiver of this section of this rule for a specific employee.

(B) The department may issue a written waiver to a facility upon determination that a waiver would be consistent with the public health and safety. In making this determination, the department shall consider the duties of the employee, the circumstances surrounding the conviction, the length of time since the conviction was entered, whether a waiver has been granted by the department's Bureau of Narcotics and Dangerous Drugs pursuant to 19 CSR 30-1.034 when the facility is registered with that agency, whether a waiver has been granted by the federal Drug Enforcement Administration (DEA) pursuant to 21 CFR 1301.76 when the facility is also registered with that agency, the security measures taken by the facility to prevent the theft and diversion of controlled substances, and any other factors consistent with public health and safety. II

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 88—Resident's Rights and Handling Resident
Funds and Property in Long-Term Care Facilities**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 198.009 and 198.088, RSMo 2000, and sections 198.073, 198.076, 198.079, and 660.050, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-88.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2008 (33 MoReg 836-837). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) comments on the proposed amendment.

COMMENT #1: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, commented that there was no definition for "involuntary seclusion."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and has inserted the definition of "involuntary seclusion" in proposed amendment 19 CSR 30-83.010(25).

COMMENT #2: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, commented that the requirement in section (23) for reporting abuse and neglect of "vulnerable persons" to the Department of Mental Health is confusing and requests revising the proposed amendment to require dual reporting only if a facility is dually licensed.

RESPONSE: Section 630.005(34), RSMo Supp. 2007, defines "vulnerable person" to mean "any person in the custody, care, or control of the department that is receiving services from an operated, funded, licensed, or certified program" and sections 565.218.1 and 630.165.1, RSMo Supp. 2007, require long-term care facility administrators and employees to report suspected vulnerable person abuse to the Department of Mental Health. If a resident meets the definition of "vulnerable person," then suspected abuse must be reported to the Department of Mental Health whether or not the facility has a license from that department. No changes have been made to the rule as a result of this comment.

COMMENT #3: Harvey Tettlebaum, with Husch, Blackwell, and Sanders, commented that the proposal in section (24) requires the administrator to assure compliance with all laws for reporting suspected abuse and neglect. Mr. Tettlebaum suggests deletion of section (24).

RESPONSE AND EXPLANATION OF CHANGE: The intent of the proposed amendment is to ensure staff have received abuse and neglect training. The department has revised section (24) to more accurately reflect this intent.

19 CSR 30-88.010 Resident Rights

(24) The facility shall ensure all staff are trained on the applicable laws and rules regarding reporting of suspected abuse and neglect of any resident. II

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before October 15, 2008.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:

- Email:** Kathy.Hatfield@modot.mo.gov
- Mail:** PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:** All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2007, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP080129006

Renewal Applicant's Name & Age: Stanley Joe Morris, 46
Relevant Physical Condition: Mr. Morris's best uncorrected visual acuity in his right eye is 20/40 Snellen. Due to an accident at age 3, he is blind in his left eye.

Relevant Driving Experience: He is currently employed with Tyson and has driven commercial motor vehicles for approximately 25 years. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2008, his optometrist certified, "In my medical opinion, Mr. Morris's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: The driver has had three (3) accidents in the past three (3) years, one (1) in a CMV and two (2) in personal vehicles, no citations were issued.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: August 15, 2008

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure**

STATEMENT OF ACTUAL COST

8 CSR 50-2.030 Resolution of Medical Fee Disputes

The original estimated cost and fiscal note for the public cost to the proposed amendment to this rule was published in the *Missouri Register* on September 15, 2006 (31 MoReg 1417-1421). The cost to the Missouri Division of Workers' Compensation has exceeded the cost estimate by more than ten percent (10%). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The estimated cost was seventy thousand five hundred forty-eight dollars (\$70,548) to seventy-five thousand eight hundred forty dollars (\$75,840) in the aggregate. The actual cost at the end of the first full fiscal year includes estimated personnel costs of seventy-four thousand four dollars (\$74,004) and actual expenses and computer programming costs of thirty-nine thousand four hundred seventy-four dollars and fifty-five cents (\$39,474.55).

The original cost estimate included the salary of one (1) attorney and an office support assistant (OSA). The salaries of the attorney and OSA devoted to the medical fee disputes are approximately seventy-four thousand four dollars (\$74,004). The attorney prepares the recommendation for the division director based upon the request for administrative ruling filed by the health care provider. In FY2007, there were approximately one hundred forty-six (146) requests for administrative rulings filed with the division where the disputed amounts on the reasonableness of the charges and fees were one thousand dollars (\$1,000) or less. The mailing costs were two hundred twenty-seven dollars and seventy-six cents (\$227.76). Sixteen (16) administrative rulings were appealed in FY2007, and two (2) awards were issued by the administrative law judge. The administrative law judge issued four (4) awards in FY2007, and the mailing costs were ten dollars and ninety-two cents (\$10.92).

The original cost estimate was also based upon the assumption that there would be a maximum of two thousand five hundred (2,500) pieces of mail annually costing the division approximately one thousand dollars (\$1,000). In FY2006, there were approximately five thousand two (5,002) requests for case status information submitted to the division prior to filing an application for medical fee dispute. In FY2007, there were approximately seven thousand four hundred eighty-two (7,482) requests for case status information submitted to the division prior to filing an application for medical fee dispute. The total cost incurred was fifty-five dollars and thirty cents (\$55.30). There were five thousand seven hundred sixty-three (5,763) Direct Pay Acknowledgment letters mailed out to all parties to the proceeding; nine thousand four hundred eighty-three (9,483) Reasonableness Acknowledgement letters mailed out to all the parties; and two thousand two hundred thirty-two (2,232) letters mailed out regarding the medical fee dispute answers filed with the division. The total mailing and postage costs incurred by the division for FY 2006 and 2007 are six thousand four hundred forty-nine dollars and thirty-two cents (\$6,449.32).

The computer programming costs to the division for FY2007 was thirty-two thousand seven hundred thirty-one dollars and fifty-five cents (\$32,731.55), representing eight hundred thirty and three quarters (830.75) hours at thirty-nine dollars and forty cents (\$39.40) per hour.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 2—Procedure**

STATEMENT OF ACTUAL COST

8 CSR 50-2.060 Performance Standards for Administrative Law Judges

The public cost statement referenced in the proposed rule was published in the *Missouri Register* on May 15, 2006 (31 MoReg 771). The cost to the Missouri Division of Workers' Compensation has exceeded five hundred dollars (\$500). Therefore, pursuant to section 536.200.2, RSMo 2000, it is necessary to publish the cost estimate together with the actual cost of the first full fiscal year. The department originally estimated that the rule would not cost the state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The actual cost at the end of the first full fiscal year was eighteen thousand seven hundred twenty-three dollars and thirty-one cents (\$18,723.31), as explained in detail below.

The division incurred costs in the amount of eight hundred seventy-five dollars and thirty-one cents (\$875.31) in FY2007 for hotel arrangements, mileage expenses, and meals for the members of the Administrative Law Judge Review Committee under this rule. The computer programming costs to the division were approximately seventeen thousand eight hundred forty-eight dollars (\$17,848).

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION OF
LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
HUSKER PROPERTIES, L.L.C.

On May 7, 2008, Husker Properties, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on said filing date.

The Company requests that all persons and organizations who have claims against it present them immediately by letter to the Company at the following address:

Husker Properties, L.L.C.
c/o Roger W. Pecha
Jenkins & Kling, P.C.
10 S. Brentwood Blvd., Ste. 200
St. Louis, MO 63105

All claims must include (i) the name, address and telephone number of the creditor/claimant; (ii) the amount of the claim or other relief sought; (iii) the basis of the claim and all documents which support such claim; and (iv) the date(s) of occurrence of the event(s) on which the claim is based. Any and all claims against Husker Properties, L.L.C., will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of notice.

NOTICE OF WINDING UP LIMITED LIABILITY COMPANY

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST KRANZ OF SPRINGFIELD, L.L.C., a Missouri limited liability company

On July 14, 2008, **KRANZ OF SPRINGFIELD, L.L.C.** a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and organizations with claims against it present them immediately, by letter, to the attention of ANDREW A. RIMMEL, GALLOP, JOHNSON & NEUMAN, L.C., 101 South Hanley, 17th Floor, St. Louis, MO 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against Campbell-Acheson-Edwards-Haas Real Estate Services, LLC, a Missouri Limited Liability Company.

On July 21, 2008, Campbell-Acheson-Edwards-Haas Real Estate Services, LLC, a Missouri Limited Liability Company, Charter Number **LC0578455**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o CHINNERY EVANS & NAIL, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of Campbell-Acheson-Edwards-Haas Real Estate Services, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST CAMPBELL-ATCHESON-EDWARDS-HAAS REAL ESTATE SERVICES, LLC, WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		This Issue		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		This Issue		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-2.040	Animal Health		33 MoReg 717	33 MoReg 1591	
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010	Animal Health	33 MoReg 1534	This Issue		
2 CSR 70-40.015	Plant Industries		33 MoReg 627	33 MoReg 1481	
2 CSR 70-40.017	Plant Industries		33 MoReg 628	33 MoReg 1482	
2 CSR 70-40.025	Plant Industries		33 MoReg 628	33 MoReg 1483	
2 CSR 70-40.040	Plant Industries		33 MoReg 629	33 MoReg 1484	
2 CSR 70-40.055	Plant Industries		33 MoReg 630R	33 MoReg 1484	
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		33 MoReg 1333		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073	33 MoReg 1592	
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1593	
			N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-9.442	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076	33 MoReg 1593	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133		
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	33 MoReg 1651	33 MoReg 1660		
4 CSR 240-33.160	Public Service Commission		33 MoReg 522	33 MoReg 1485	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525	33 MoReg 1493	
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1494	
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974	This Issue	
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529	33 MoReg 1494	
5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R	33 MoReg 1495R	
			33 MoReg 530	33 MoReg 1495	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 1612 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		This Issue		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 30-4.010	Division of Labor Standards		This IssueR		
			This Issue		
8 CSR 30-4.020	Division of Labor Standards		This IssueR		
			This Issue		
8 CSR 30-4.030	Division of Labor Standards		This IssueR		
8 CSR 30-4.040	Division of Labor Standards		This Issue		
8 CSR 30-4.060	Division of Labor Standards		This Issue		
8 CSR 50-2.030	Division of Workers' Compensation				This Issue
8 CSR 50-2.060	Division of Workers' Compensation				This Issue
8 CSR 50-3.010	Division of Workers' Compensation		This Issue		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.385	Air Conservation Commission		33 MoReg 1574		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630	33 MoReg 1499	
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908		
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909		
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910		
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643	33 MoReg 1502	
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 23-1.050	Division of Geology and Land Survey		33 MoReg 1661		
10 CSR 23-1.060	Division of Geology and Land Survey		33 MoReg 1664		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 70-9.010	Soil and Water Districts Commission		This Issue		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976		
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		33 MoReg 1335		
11 CSR 75-1.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-2.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.030	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.080	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.040	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.020	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.060	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF REVENUE					
12 CSR 10-2.740	Director of Revenue		33 MoReg 1336		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153		
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R	This IssueR	
13 CSR 35-71	Children's Division (<i>Changed from 13 CSR 40-71</i>)				33 MoReg 1676
13 CSR 35-71.010	Children's Division (<i>Changed from 13 CSR 40-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 35-71.020	Children's Division (<i>Changed from 13 CSR 40-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 35-71.030	Children's Division (<i>Changed from 13 CSR 40-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 35-71.040	Children's Division (<i>Changed from 13 CSR 40-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 35-71.045	Children's Division (<i>Changed from 13 CSR 40-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 40-71	Family Support Division (<i>Changed to 13 CSR 35-71</i>)				33 MoReg 1676
13 CSR 40-71.010	Family Support Division (<i>Changed to 13 CSR 35-71.010</i>)	33 MoReg 1651	33 MoReg 1664		
13 CSR 40-71.020	Family Support Division (<i>Changed to 13 CSR 35-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division (<i>Changed to 13 CSR 35-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	Family Support Division (<i>Changed to 13 CSR 35-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
13 CSR 40-71.045	Family Support Division (<i>Changed to 13 CSR 35-71.045</i>)	33 MoReg 1655	33 MoReg 1669		
13 CSR 70-3.100	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.105	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-4.080	Division of Medical Services		33 MoReg 1231		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-6.010	MO HealthNet Division		33 MoReg 1672		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-25.110	MO HealthNet Division		This Issue		
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234		
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789	This Issue	
13 CSR 70-94.010	MO HealthNet Division		This Issue		
13 CSR 70-94.020	MO HealthNet Division		This Issue		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235		
DEPARTMENT OF CORRECTIONS					
14 CSR 80-5.010	State Board of Probation and Parole		33 MoReg 1672		
14 CSR 80-5.020	State Board of Probation and Parole		33 MoReg 1673		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-3.060	Division of Community and Public Health				33 MoReg 1613
19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550	33 MoReg 1503	
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790	This Issue	
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792	This Issue	
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793	This Issue	
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798	This IssueW	
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812	This IssueW	
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817	This Issue	
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819	This Issue	
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820	This IssueW	
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827	This IssueW	
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829	This Issue	
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830	This Issue	
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836	This Issue	
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1613 33 MoReg 1676
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915		
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917		
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918		
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920		
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922		
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1593	
20 CSR 200-18.020	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1594	
20 CSR 200-18.110	Insurance Solvency and Company Regulation		33 MoReg 559	33 MoReg 1594	
20 CSR 200-18.120	Insurance Solvency and Company Regulation		33 MoReg 561	33 MoReg 1594	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1457R		
20 CSR 300-2.200	Market Conduct Examinations	33 MoReg 1388R	33 MoReg 1457R		
20 CSR 300-3.100	Market Conduct Examinations		33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276		
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R		
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278		
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281		
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 500-7.020	Property and Casualty	33 MoReg 507	33 MoReg 562	33 MoReg 1595	
20 CSR 500-7.030	Property and Casualty	33 MoReg 507	33 MoReg 563	33 MoReg 1597	
20 CSR 500-7.050	Property and Casualty	33 MoReg 508	33 MoReg 563	33 MoReg 1598	
20 CSR 500-7.060	Property and Casualty	33 MoReg 509	33 MoReg 566	33 MoReg 1600	
20 CSR 500-7.070	Property and Casualty	33 MoReg 510	33 MoReg 566	33 MoReg 1601	
20 CSR 500-7.090	Property and Casualty	33 MoReg 510	33 MoReg 567	33 MoReg 1602	
20 CSR 500-7.100	Property and Casualty	33 MoReg 511	33 MoReg 567	33 MoReg 1604	
20 CSR 500-7.130	Property and Casualty	33 MoReg 514	33 MoReg 570	33 MoReg 1605	
20 CSR 500-7.200	Property and Casualty	33 MoReg 515	33 MoReg 571	33 MoReg 1607	
20 CSR 700-1.140	Insurance Licensing		33 MoReg 1167		
20 CSR 700-1.148	Insurance Licensing		33 MoReg 1078		
20 CSR 700-8.005	Insurance Licensing		33 MoReg 575	33 MoReg 1608	
20 CSR 700-8.100	Insurance Licensing	33 MoReg 519	33 MoReg 576	33 MoReg 1608	
20 CSR 700-8.150	Insurance Licensing	33 MoReg 520	33 MoReg 577	33 MoReg 1609	
20 CSR 700-8.160	Insurance Licensing	33 MoReg 521	33 MoReg 577	33 MoReg 1609	
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083		
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20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085		
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283		
20 CSR 2015-1.020	Acupuncturist Advisory Committee		33 MoReg 1458		

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20 CSR 2015-2.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-4.010	Acupuncturist Advisory Committee		33 MoReg 1459		
20 CSR 2030-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337		
20 CSR 2070-2.031	State Board of Chiropractic Examiners		This Issue		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		This Issue		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		This Issue		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		This Issue		
20 CSR 2070-4.030	State Board of Chiropractic Examiners		This Issue		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		33 MoReg 1337		
20 CSR 2150-4.060	State Board of Registration for the Healing Arts		33 MoReg 923	33 MoReg 1609	
20 CSR 2150-4.080	State Board of Registration for the Healing Arts		33 MoReg 926	33 MoReg 1610	
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1459		
20 CSR 2165-1.030	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.050	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-3.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1466		
20 CSR 2197-1.010	Board of Therapeutic Massage		33 MoReg 1466		
20 CSR 2197-2.010	Board of Therapeutic Massage		33 MoReg 1575		
20 CSR 2197-5.040	Board of Therapeutic Massage		33 MoReg 1467		
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 1467		
20 CSR 2200-4.020	State Board of Nursing		33 MoReg 1471		
20 CSR 2200-4.030	State Board of Nursing		33 MoReg 1285		
20 CSR 2200-4.040	State Board of Nursing		33 MoReg 1286		
20 CSR 2200-4.100	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-4.200	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-6.020	State Board of Nursing		33 MoReg 1475		
20 CSR 2200-6.060	State Board of Nursing		33 MoReg 1475		
20 CSR 2205-1.010	Missouri Board of Occupational Therapy		33 MoReg 1338		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		33 MoReg 1579		
20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
20 CSR 2210-2.011	State Board of Optometry		33 MoReg 1168		
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085		
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086		
20 CSR 2230-1.030	State Board of Podiatric Medicine		33 MoReg 1585		
20 CSR 2232-1.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2233-1.020	State Committee of Marital and Family Therapists		33 MoReg 1476		
20 CSR 2233-3.010	State Committee of Marital and Family Therapists		33 MoReg 1476		
20 CSR 2235-1.025	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-1.026	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-2.005	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-2.030	State Committee of Psychologists		33 MoReg 1586R		
20 CSR 2235-2.050	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-3.020	State Committee of Psychologists		33 MoReg 1587		
20 CSR 2235-7.005	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.010	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.020	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2235-7.030	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476		
20 CSR 2245-3.010	Real Estate Appraisers		33 MoReg 927	33 MoReg 1610	
20 CSR 2245-6.040	Real Estate Appraisers		33 MoReg 927	33 MoReg 1610	
20 CSR 2245-8.010	Real Estate Appraisers		33 MoReg 928	33 MoReg 1610	
20 CSR 2245-8.030	Real Estate Appraisers		33 MoReg 928	33 MoReg 1610	
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338		
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1168R 33 MoReg 1169 This IssueR This Issue	33 MoReg 1675W 33 MoReg 1675W	
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-5.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1340		
20 CSR 2270-1.040	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.050	Missouri Veterinary Medical Board		33 MoReg 1477		

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20 CSR 2270-1.060	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.021	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-2.051	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.060	Missouri Veterinary Medical Board		33 MoReg 1479		
20 CSR 2270-3.030	Missouri Veterinary Medical Board		33 MoReg 1479		
20 CSR 2270-4.031	Missouri Veterinary Medical Board		33 MoReg 929	33 MoReg 1611	
20 CSR 2270-4.041	Missouri Veterinary Medical Board		33 MoReg 929	33 MoReg 1611	
20 CSR 2270-4.050	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480		
20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480		

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Office of Administration			
Commissioner of Administration			
1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions33 MoReg 1531	July 24, 2008Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan . . . . .	.33 MoReg 1531	July 24, 2008Dec. 31, 2008
Department of Agriculture			
Animal Health			
2 CSR 30-11.010	Large Animal Veterinary Student Loan Program . . . . .	.33 MoReg 1534	July 24, 2008Feb. 26, 2009
Plant Industries			
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine . . . . .	.Next Issue	Aug. 28, 2008Feb. 26, 2009
Department of Economic Development			
Public Service Commission			
4 CSR 240-31.010	Definitions . . . . .	.33 MoReg 1651	Aug. 1, 2008Jan. 29, 2009
Department of Transportation			
Missouri Highways and Transportation Commission			
7 CSR 10-25.020	Overdimension and Overweight Permits . . . . .	.33 MoReg 1535	Sept. 2, 2008Feb. 28, 2009
Department of Mental Health			
Director, Department of Mental Health			
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance . . . . .	.33 MoReg 1379	July 11, 2008Dec. 28, 2008
Department of Public Safety			
Division of Fire Safety			
11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties . . . . .	.33 MoReg 967	July 1, 2008Jan. 1, 2009
Department of Social Services			
Children's Division			
13 CSR 35-71.010	Definitions . . . . .	.33 MoReg 1651	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)-Basis for Licensure and Licensing Procedures . . . . .	.33 MoReg 1653	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review . . . . .	.33 MoReg 1654	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration . . . . .	.33 MoReg 1655	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.045	Personnel . . . . .	.33 MoReg 1655	Aug. 4, 2008Jan. 30, 2009
MO HealthNet Division			
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance . . . . .	.33 MoReg 1380	July 1, 2008Dec. 28, 2008
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services . . . . .	.33 MoReg 1382	July 1, 2008Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.33 MoReg 1383	July 1, 2008Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.33 MoReg 1384	July 1, 2008Dec. 28, 2008
Department of Insurance, Financial Institutions and Professional Registration			
Insurer Conduct			
20 CSR 100-8.040	Insurer Record Retention . . . . .	.33 MoReg 1386	July 30, 2008Feb. 26, 2009
Market Conduct Examinations			
20 CSR 300-1.100	Unfair Claims Settlement Rates . . . . .	.33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules . . . . .	.33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims . . . . .	.33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations . . . . .	.33 MoReg 1388	July 30, 2008Feb. 26, 2009
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order33 MoReg 1069	May 11, 2008Feb. 18, 2009

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<u>2008</u>			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	Next Issue
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	Next Issue
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	Next Issue

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Orders****Subject Matter****Filed Date****Publication****2007**

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391

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	Subject Matter	Filed Date	Publication
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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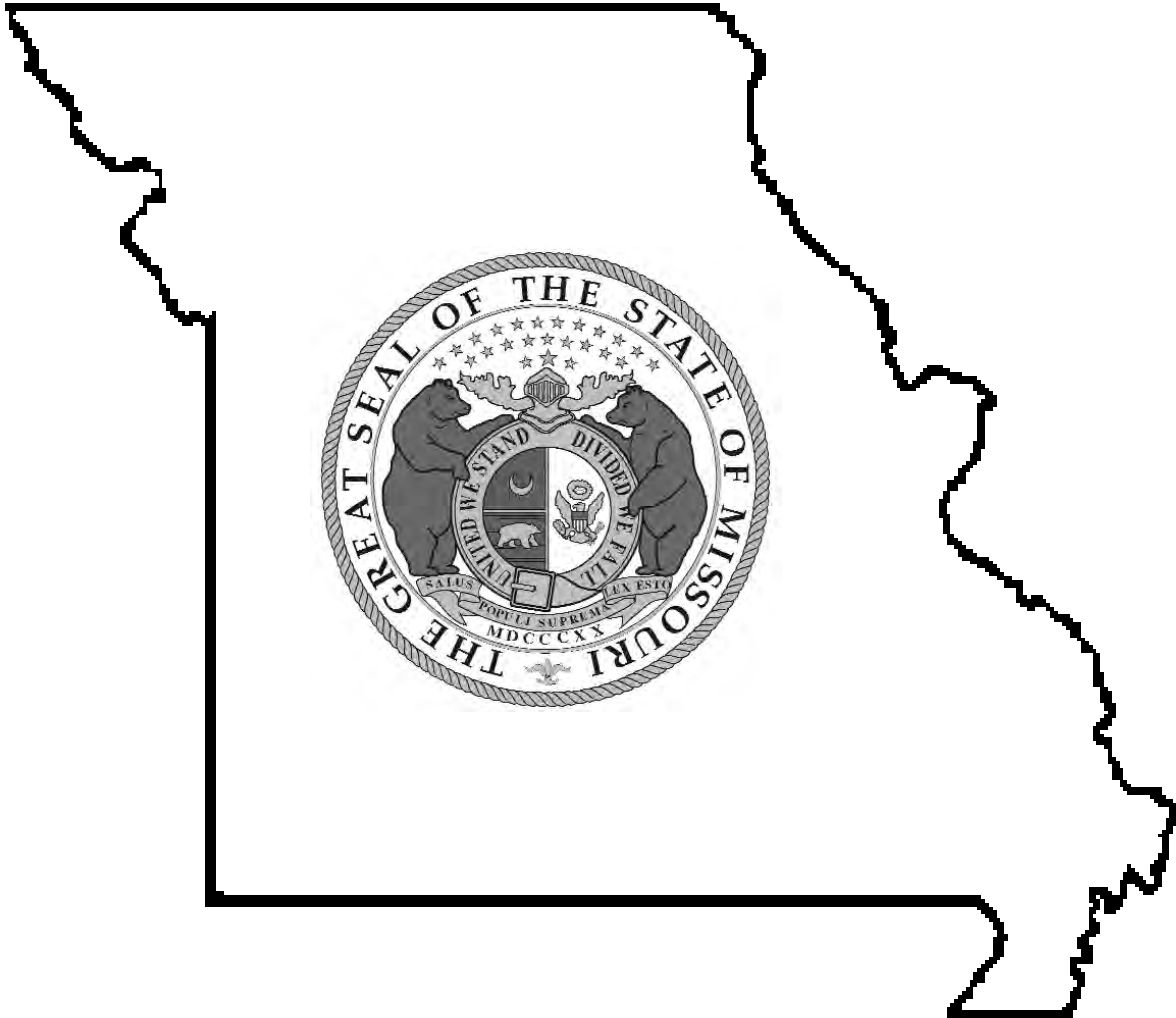
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